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# World Peace Foundation Pamphlets

VOLUME VIII
1925

WORLD PEACE FOUNDATION
40 MT. VERNON STREET, BOSTON

# World Peace Foundation

## Boston, Massachusetts

*FOUNDED IN 1910 BY EDWIN GINN

The corporation is constituted for the purpose of educating the people of all nations to a full knowledge of the waste and destructiveness of war, its evil effects on present social conditions and on the well-being of future generations, and to promote international justice and the brotherhood of man; and, generally, by every practical means to promote peace and good will among all mankind.—*By-laws of the Corporation.*

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General Secretary, Edward Cummings.

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## GERMAN REPARATION PAYMENTS, 1918–1926[1]

The Reparation Commission as of November 30, 1925, recognized payments by Germany as follows:

| | *Gold Marks* | *Gold Marks* |
|---|---|---|
| Value of ceded properties | 2,553,905,000 | |
| Years 1920 and 1921 | 3,970,835,000 | |
| Year 1922 | 1,402,685,936 | |
| Ruhr period, January 11, 1923 to August 31, 1924 | 894,230,569 | |
| First Dawes annuity, September 1, 1924 to August 31, 1925 | 1,000,000,000 | |
| Second Dawes annuity, September 1, 1925 to August 31, 1926 | 1,220,000,000 | |
| Total | | 11,041,656,505 |

### THE RUHR CLOSED ACCOUNT

On December 22, 1925, The Reparation Commission issued the following communiqué:

In conformity with Art. 12 of the agreement of the Finance Ministers of January 14, 1925, the Reparation Commission in its session of December 18, 1925, fixed at 894,230,569.41 gold marks as the amount, after deduction of the expenses enumerated in that article, of the net receipts of all kinds secured from Germany by the French, Belgian and Italian Governments between January 11, 1923, and September 1, 1924. This sum is made up as follows:

| | *Gold Marks* | *Gold Marks* |
|---|---|---|
| 1. Taking in kind: | | |
| To the debit of France | 312,910,159.37 | |
| To the debit of Belgium | 93,993,140.49 | |
| To the debit of Italy | 62,974,356.55 | |
| Total | | 469,868,656.41 |

[1]This tabulation may be regarded as final figures covering the same scope as that printed in Reparation, Part VI, this Series, Vol. VIII, p. 295. The tabulation is translated from *Le Temps*, December 23, 1925, p. 6.

| | Gold Marks | Gold Marks |
|---|---|---|
| 2. Cash Receipts: | | |
| (*a*) To the debit of Belgium on account of its priority (article 12 D) . . . . . | 355,781,489.46[1] | |
| (*b*) Interest due on German treasury bonds delivered to Belgium in 1922 (article 12 D) . . . . . | 6,766,213.26 | |
| (*c*) Received by the Reparation Commission and then transferred to the United States on the army of occupation account according to article 3, B, 1 . . . . . | 61,814,210.28 | 424,361,913.00 |
| General Total . . . . . | | 894,230,569.41 |

[1]Of this sum, 109 million gold marks have been received by France in cash as expenses of occupation and reimbursed by it to Belgium in accordance with the arrangements arrived at by the two countries.

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# PROBLEMS OF THE PACIFIC

A Brief Bibliography by

RAYMOND LESLIE BUELL

Prepared for the American Group
of the

INSTITUTE OF PACIFIC RELATIONS

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## Boston, Massachusetts

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# THE INSTITUTE OF PACIFIC RELATIONS

HONOLULU, HAWAII, July 1–15, 1925.

This conference is organized and called by a committee with representatives from Australia, Canada, China, Japan, Korea, New Zealand, Philippine Islands and the United States. Its purpose is to bring together accurate information on those conditions in the several countries which mould opinion and feeling toward other peoples; to discuss these opinions and feelings that their relations may be clearly comprehended, and to point the way to right action which will lead to understanding and peace in the Pacific. Attendance is on invitation only.

This booklet is prepared by the related committee in the United States. It has been written as a guide to preliminary study on the part of American attendants at the conference. The selection of titles and organization of the material are matters for which the author assumes full responsibility. They are not the result of the committee's consideration or action.

CENTRAL EXECUTIVE COMMITTEE,

Mr. FRANK C. ATHERTON, *Chairman*,
Honolulu, Hawaii.

CO-OPERATING COMMITTEE IN THE UNITED STATES,

RAY LYMAN WILBUR, *Chairman*,
President Leland Stanford University,
Palo Alto, Calif.

# INTRODUCTION

Anyone who brings together a "selective" list of books on the Pacific commits the sin of omission as well as that of commission. He will omit some worth-while books, and he will include books of questionable value. This list merely attempts to pick out representative books, of interest to the layman as well as to the special student. Books have been included which contain serious errors, because they represent a point of view which is important in the current life of the Pacific today.

The classification of these books under appropriate headings is also unsatisfactory, chiefly because many of them deal with three or four of the subjects under discussion. Nevertheless, it was thought best to list together books which placed an emphasis on a particular subject. At the outset, the books describing the peoples of the Pacific and their internal history are listed. These are followed by books emphasizing the foreign relations of Pacific countries, problems of imperialism in the Pacific, population and emigration, treatment of orientals in western countries, inter-racial co-operation, religious and cultural contacts, and naval and strategic problems. These headings are designed to serve as a guide to reading. They do not necessarily indicate the method of approach of the Conference.

R. L. B.

# PROBLEMS OF THE PACIFIC

## PART I

## PEOPLES OF THE PACIFIC

### The General Region

Hubert Howe Bancroft. *The New Pacific* (revised ed., Bancroft Co., New York, 1912).

While this book contains a good deal of historical material, its chief value lies in its description of the resources, climates, peoples, and racial problems of the Pacific area. The author points out that nearly one-half the human race lives in countries bordering on this ocean, which he predicts will be the scene of a culture and development which the world has never imagined.

Sydney Greenbie. *The Pacific Triangle* (The Century Co., New York, 1921).

A stimulating and informative account, written out of the personal experience of a seasoned traveler, of the problems arising out of the contact of the native races with the whites in the Pacific, as well as of the issues confronting Asia, Australasia and America. The author believes in the "historical worthiness of Orientals as well as Caucasians."

Guy Hardy Scholefield. *The Pacific, Its Past and Future* (John Murray, London, 1919).

This volume is a history of the policies of the Great Powers toward the Pacific Islands. Chapters are devoted to Hawaii, Tahiti, Fiji, Samoa, and the New Hebrides; while there is an interesting discussion of the Australian Monroe Doctrine and the White Australia policy. The author believes that the High Commission for the Western Pacific is out of date.

Percy S. Allen. *Stewart's Handbook of the Pacific Islands* (McCarron, Stewart & Co., Sydney, Australia, 1923). "A reliable guide to all the inhabited Islands of the Pacific for Traders, Tourists and Settlers." Published annually since 1907.

## British Territories

James Howard Robinson. *The Development of the British Empire* (Houghton Mifflin Company, Boston, 1922. Chs. XIII, XIV, XV, XVII, XIX, XXII, XXIII, XXIV).

A convenient and readable summary of the development of those portions of the Empire bordering on, and in, the Pacific.

James Bryce. *Modern Democracies*, 2 vols. (The Macmillan Company, New York, 1921).

Many of the conclusions of Viscount Bryce as to the workings of democracies are based on the history and politics of such Pacific countries as Canada, the United States, Australia, and New Zealand. While there is law and order and an absence of demagogy in Canada, he finds that there has been considerable corruption. Australia is a country where labor first gained control of the government and where the legislative caucus is supreme; New Zealand is the home of state socialism; while the United States is marked by the money power in government and the small number of outstanding men in public life.

*The Dominions and Dependencies of the Empire*, vol. 1, by various authors. (The British Empire Series, Henry Holt & Company, New York, 1924).

A description of the history, people, and resources of the different units of the Empire, especially in the Pacific.

Sir Godfrey Yeatman Lagden. *The Native Races of the Empire*, vol. 9. (British Empire Series, Henry Holt & Company, New York, 1924).

An account of the aboriginal populations of the Empire, such as the Malay, the Maori, and other Pacific races, and the political and social problems arising out of their contact with whites. A final chapter deals with the Bible in the Empire, showing how it has been translated into 364 languages and dialects.

Thomas Dunbabin. *The Making of Australasia, A Brief History of the Origin and Development of the British Dominions in the South Pacific* (A. & C. Black, Ltd., London, 1922).

Sir Arthur P. Douglas. *The Dominion of New Zealand* (Sir Isaac Pitman & Sons, London, 1909).

A standard work.

Frank G. CARPENTER. *Australia, New Zealand and Some Islands of the South Seas* (Doubleday, Page and Co., New York, 1924).

A description of country and people by the well-known travel-writer.

## JAPAN

Basil Hall CHAMBERLAIN. *Things Japanese* (John Murray, London, 1898).

A veritable encyclopedia on social and cultural Japan by a leading authority who says that "the educated Japanese have done with their past."

Lafcadio HEARN. *Japan: An Attempt at Interpretation* (The Macmillan Company, New York, 1904).

A delightful description, by another life-long student of Japanese civilization, including the family, art, and religion.

Captain Frank BRINKLEY. *Japan: Its History, Arts and Literature,* 8 vols. (J. B. Millett Co., Boston, 1901).

The standard work describing the life of the Japanese people.

Joseph H. LONGFORD. *Japan* (Houghton Mifflin Company, Boston, 1923).

One of the latest and best histories of Japan. The author, for many years in governmental and educational work in Japan, says that Japan is already one of the greatest military powers in the world and is growing in industrial strength. He believes that the Japanese "consider the hegemony of Asia as their rightful heritage and its attainment to be the goal of national effort in whatever form it is contemplated." The volume contains a valuable section on the financial and economic development of the country.

Walter Wallace McLAREN. *A Political History of Japan during the Meiji Era, 1867–1912* (Charles Scribner's Sons, New York, 1916).

An enlightening book, written by an American, as to the ambitions and policies of Japan, illustrated by her recent history. Mr. McLaren shows how the success of arms was followed by a decline in domestic politics; he also points out the effects of having the government dominated by a military caste.

Kenneth Scott LATOURETTE. *The Development of Japan* (The Macmillan Company, New York, 1920).

Believing that the advent of Western civilization 60 years ago did not entirely sever Japan from its past, the writer of this book studies the old Japan in order to understand the new. One of the most interesting chapters is that describing the civilization of old Japan. In later chapters, the writer traces the internal transformation of Japan, since the Perry expedition, and also the growth of Japan as a World Power.

J. W. Robertson Scott. *The Foundation of Japan* (D. Appleton & Company, New York, 1922).

The author of this volume, a well-known English writer and traveler, spent four-and-a-half years in Japan, for the most part in rural communities, which he believes to be the real foundation of Japan. As a result of his studies, he has written a penetrating description of the Japanese people which disregards politics.

Sydney Greenbie. *Japan, Real and Imaginary* (Harper & Brothers, New York, 1920).

Another worth-while book, by an American who lived among the common people of Japan. It pays particular attention to social conditions which are being so rapidly changed by industrialization.

Amos Shartle and Susanne W. Hershey. *Modern Japan* (The Bobbs-Merrill Company, Indianapolis, 1919).

An interesting survey of social, educational and political aspects of Japanese life, by a well-known student of international law and his wife. The authors believe that the United States should follow a non-discriminatory naturalization policy toward the Japanese.

## China

Herbert Allen Giles. *The Civilization of China* (Home University Series, Henry Holt & Company, New York, 1911).

An outline of Chinese civilization, as it has developed from early times, by the professor of Chinese at Cambridge. The author says that Chinese are actuated by precisely the same motives which actuate other peoples.

J. W. Robertson Scott. *The People of China* (Methuen and Co., London, 1900).

A book containing an account of the system of government in China under the old regime, the former examination system, literature, national characteristics, and religions of China.

Sih-Gung CHENG. *Modern China* (Oxford, The Clarendon Press, 1919).

A political study by a Chinese author, the first part of which describes the historical conception of Chinese government, the effect of the Revolution of 1911, the new Constitution, and the relation of the Central government to the Provinces. In the second part, the author conveniently summarizes the foothold which the Great Powers have secured in China. He believes that Great Britain, France, and the United States should discard the principle of internationalization as applied to foreign aid for China because under this principle one power—Japan—can block effective action. He urges the three former powers to extend aid to China to resist Japanese aggression.

Henry Theodore HODGKIN. *China in the Family of Nations* (G. Allen and Unwin, London, 1923).

In this book, the Secretary of the National Christian Council of China not only discusses the foreign relations of China, but also the industrial and religious changes which are taking place. He believes that the New Thought movement is breaking down old prejudices which will make possible more rapid progress of Christianity. If the world gives China time, it will work out its own salvation.

Edward Thomas WILLIAMS. *China: Yesterday and Today* (Thomas Y. Crowell & Company, New York, 1923).

A book written by an eminently qualified authority, an expert at the Paris and Washington Conferences and Professor of Chinese at the University of California. The book not only contains historical material, but it also describes the social and economic conditions of China, community organization, and the family. There are illuminating chapters on subjects ranging from Taoism to foreign trade.

Edward Alsworth ROSS. *The Changing Chinese* (The Century Co., New York, 1911).

In this book, the well-known sociologist deals with the conflict between Oriental and Western cultures in China. He believes that the destiny of China is that of the white race. There are chapters on race fiber, race mind, opium, industry, Christianity, and education.

James Whitford BASHFORD. *China, An Interpretation* (The Abingdon Press, New York, 1916).

## Korea

William Elliot Griffis. *Korea, the Hermit Nation* (7th ed., Charles Scribner's Sons, New York, 1904).

The standard work on the ancient and medieval history of Korea, and the cultural and political life of the people under the old regime.

Joseph Henry Longford. *The Story of Korea* (Charles Scribner's Sons, New York, 1911).

Mr. Longford says that Korea is the pivot of Far Eastern policy. While most of this book is devoted to the history of Korea prior to the Japanese annexation, several chapters describe the social system of old Korea and the characteristics of its people. The author expected great results from the establishment of Japanese control.

## Philippines

Hamilton Mercer Wright. *A Handbook of the Philippines* (A. C. McClurg & Co., Chicago, 1907).

A survey of the people, customs, history, and industry of the Philippine Islands. The author believes in the capacity of the Filipinos to adapt themselves to Western civilization.

Frank Charles Laubach. *The People of the Philippines* (George H. Doran Company, New York, 1925).

Written by an American missionary in the Philippines, with a training in scholarship as well, this book describes the development of Christianity in the Philippines, the results of Christian missions and education, and the work of social service which has been performed there. The author believes that the chief obstacle to the progress of Protestantism is the race issue, and that the future of Christianity in the Orient depends upon the success or failure of Christianity in the Philippines.

Dean Conant Worcester. *The Philippines, Past and Present* (The Macmillan Company, New York, 1921, Single-volume edition).

Charles Burke Elliott. *The Philippines to the end of the Military Regime* (Bobbs-Merrill Co. Indianapolis, 1916).

Charles Burke Elliott. *The Philippines to the end of the Commission government* (Bobbs-Merrill Co., Indianapolis, 1917).

H. H. Miller assisted by C. H. Storms. *Economic Conditions in the Philippines* (Ginn and Co., Boston, 1913).

## Hawaii

Albert W. Palmer. *The Human Side of Hawaii* (The Pilgrim Press, Boston, 1924).

Probably the best summary of the history and problems of Hawaii, emphasizing the racial and industrial factors, written by a Honolulu minister.

*Hawaii's Bill of Rights*, An act passed by the Legislature of Hawaii, 1923.

An act defining the claims of Hawaii to "all of the benefits and privileges enjoyed by states, in respect of matters wherein its functions and responsibilities are the same as those of a state." These benefits would include federal grants in aid of education now being given to states.

Katherine Pope, *Hawaii, the Rainbow Land* (Thomas Y. Crowell and Co., New York, 1924).

A book of description, which also contains some Hawaiian folk-tales.

## India

Sir Thomas William Holderness. *Peoples and Problems of India* (Home University Library, Henry Holt & Company, New York, 1912).

A convenient and reliable summary of the history of India, its peoples, races, castes, and religions.

Lawrence J. L. Dundas, Earl of Ronaldshay. *India, A Bird's-Eye View* (Houghton Mifflin Company, Boston, 1924).

In this interesting book, the Earl of Ronaldshay has brought together "vignettes of Indian history; glimpses of Indian architecture and archæology; sketches of the social and industrial economy of her peoples; indications of the modes in which their religious thought has found expression; illustrations of their unceasing war with their environment, particularly in the matter of climate and disease." The author particularly stresses the inherent pessimism which darkens the outlook of the Indian upon life.

Laurence Frederic Rushbrook Williams. *India in 1922-1923 passim* (Superintendent, Government Printing, India, Calcutta, 1923).

An official statement, annually prepared by the Director of Public Information of the Government of India, as to the conditions existing in this country.

### Dutch East Indies

Henry Albert W. VanCoenen Torchiana. *Tropical Holland* (University of Chicago Press, Chicago, 1921).

The Consul General of the Netherlands for the Pacific coast has given us a well-written account of the historical development of Insulinde under Dutch control. In addition to describing the political and economic conditions in these islands today, it also discusses the climate and people which inhabit them.

### French Pacific Possessions

George Walter Prothero (editor). *Handbooks of the British Foreign Office,* 145, 147. (H. M. Stationery Office, London, 1920).

A convenient and accurate description of the colonial possessions of France in the Pacific.

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## PART II

## POLITICAL RELATIONS OF THE COUNTRIES OF THE PACIFIC

### General

Stanley Kuhn Hornbeck. *Contemporary Politics in the Far East* (D. Appleton & Company, New York, 1919).

The most useful survey of the internal development and foreign affairs of Japan and China, together with chapters on the relations of the United States with those countries, written by a leading authority.

Robert Kennaway Douglas. *Europe and the Far East* (revised ed., Cambridge University Press, Eng., 1913).

A historical survey of the relations of the European countries, especially Great Britain and France, with the countries and peoples of Eastern Asia,—written from a strongly national point of view.

Henry Mayers HYNDMAN. *The Awakening of Asia* (Boni and Liveright, New York, 1919).

An anti-imperialistic and sketchy survey of the relations of European and Asiatic peoples, written by a British socialist. The author believes that India has been a curse to England, and that the principle, "Asia for the Asiatics," should be recognized.

Herbert Adams GIBBONS. *The New Map of Asia,* 1900–1919 (The Century Co., New York, 1919).

A more comprehensive sketch of Europe and the United States in middle Asia, India, Siam, Palestine, Turkey, the Philippines and other countries in the Orient, written by a well-known publicist. The author believes that if the principle of self-determination was good for Europe, it should be good also for Asia and for Africa.

B. L. Putnam WEALE (pseud.) *An Indiscreet Chronicle from the Pacific* (Dodd, Mead and Company, New York, 1922).

The author is Bertram Lenox Simpson, who has been in public service and journalism in China for a good many years. While the book, in general, surveys the relations of the Orient with the West, it deals particularly with the genesis and termination of the Anglo-Japanese Alliance, which the author regards as the most important factor in two decades of Far Eastern diplomacy. He says the Washington Conference was the first decisive intervention of North America in world politics.

## BETWEEN PARTICULAR COUNTRIES

B. L. Putnam WEALE. *The Truth About China and Japan* (Dodd, Mead and Company, New York, 1919).

The author believes that Japan has one policy for the East and one for the West, that she uses military power and secret loans to advance the first, and diplomacy and publicity, the second. It should be noted that this book was written before the Washington Conference.

Mingchien Joshua BAU. *The Foreign Relations of China* (revised ed., Fleming H. Revell Company, New York, 1922).

The most complete and useful summary so far written in English of the foreign relations of China. Dr. Bau discusses the policies of the Great Powers in the Orient, the extent to which China's sovereignty has been impaired, and such recent questions as the Consortium, the Shantung Question, and the Washington Conference.

Thomas Franklin F. MILLARD. *Conflict of Policies in Asia* (The Century Co., New York, 1924).

Believing that the interest of the United States in the fate of China is greater than that of any other Western power, Mr. Millard, the former owner and editor of *Millard's Review*, surveys the diplomatic history of the Orient since the Paris Peace Conference in an effort to determine what the policy of the United States should be. He believes that the Washington treaties should be made effective by extending foreign financial assistance to China.

Tyler DENNETT. *Americans in Eastern Asia* (The Macmillan Company, New York, 1922).

The most authoritative and exhaustive work dealing with the policy of Americans, private and official, toward the Orient during the nineteenth century. Chapters are devoted to the acquisition of the Philippines and Hawaii, and to the question of Chinese immigration. The author, now an officer of the Department of State of the United States, believes that the chief policy of the United States in the Orient—the Open Door—can best be achieved by a policy of co-operation.

James Francis ABBOTT. *Japanese Expansion and American Policies* (The Macmillan Company, New York, 1916).

Following a historical résumé, Mr. Abbott examines some of the problems confronting Japan and America. He does not believe that Japan would be the gainer, even should she annex the Philippines. Since Japan's existence is dependent upon the markets of China, he believes that the Powers should recognize a Japanese Monroe Doctrine for Asia. The United States would not suffer from such a doctrine, particularly as the competitor of the United States in the Orient is not Japan but Europe. He advocates a Conference of the Pacific countries to deal with questions of trade, tariffs, fiscal reforms in China, etc.

Walter Boughton PITKIN. *Must We Fight Japan?* (The Century Co., New York, 1921).

Despite the startling title of this book, Mr. Pitkin has made (with the aid of material furnished in conference) a sane and stimulating examination—written in popular language—of the Japanese problem in Hawaii and California, as well as the fundamental forces in the background. Perhaps the best part of the book is the discussion on the relation of population increases to food supply, in which he shows up the errors in Mr. Stoddard's gloomy estimates as to the

increasing number of the colored races. Mr. Pitkin believes that the United States should stop practically all immigration and that the tension between America and Japan would be relieved by thoroughgoing disarmament as well as granting independence to the Philippines. This book was published before the Washington Conference.

Payson Jackson TREAT. *Japan and the United States* (Houghton Mifflin Company, Boston, 1921).

Professor Treat of Stanford University has brought together a very valuable summary of the relations of the two leading powers of the Pacific. This material, however, was delivered as lectures in Japan at a time when the Washington Conference was being convened. Consequently, Mr. Treat was in a very delicate position, which may explain his failure to criticize both Japan and the United States in many features of their foreign policies which other writers have condemned.

John Otway P. BLAND. *China, Japan, and Korea* (Charles Scribner's Sons, New York, 1921).

In this book, another former resident of the Far East reviews the historic development of these countries. He believes that until the Chinese people modify their social system the acute pressure of population upon subsistence will be an ever-recurring source of unrest and strife. Japan's vital problem is the development of the resources of China when that country is in constant turmoil.

Leo PASVOLSKY. *Russia in the Far East* (The Macmillan Company, New York, 1922).

An account of the policy of Russia toward the Orient, with emphasis upon developments since the World War, by a Russian journalist with anti-soviet convictions.

Alfred Lewis P. DENNIS. *The Foreign Policies of Soviet Russia* (E. P. Dutton & Company, New York, 1924).

Two chapters in this book by a professor of history in Clark University who has spent considerable time in Europe deal with the attempts of the soviet government to regain control of Russian Asia and to strengthen its influence with China and Japan. The author does not believe the United States should recognize Russia until it recognizes its obligations.

# PART III

# PROBLEMS OF IMPERIALISM IN THE PACIFIC

## General

Parker Thomas Moon. *Imperialism and World Politics* (The Macmillan Company, New York, 1925).

In this book, Mr. Moon not only discusses the history of imperialism in the Pacific as well as elsewhere, but discusses imperialism as a cause of war, its effects on non-European peoples, its costs and profits, and the question of international control.

Raymond Leslie Buell. *International Relations* (Henry Holt & Company, New York, 1925).

The second part of this book contains an analysis of the causes of imperialism, the different forms it may take, the policies followed in exploiting backward countries, and the influence of Capital in the backward regions. The author believes that under certain circumstances the establishment of foreign control over backward peoples is inevitable. But he believes it should be subjected to some form of international supervision of which the League mandate system is a beginning. In an earlier part of the book, the racial problem is discussed.

## Foreign Control in China

Westel Woodbury Willoughby. *Foreign Rights and Interests in China* (John Hopkins Press, Baltimore, 1920).

The most authoritative and convenient description by an adviser to the Chinese government of the treaty rights which foreigners have in China, including a description of concessions, investments, tariff control, and exterritoriality.

Westel Woodbury Willoughby. *China at the Conference* (John Hopkins Press, Baltimore, 1922).

A semi-official account of the work of the Washington Conference in so far as it removed foreign restrictions on China's sovereignty. The author believes that western powers will release China from her limitations as soon as existing conditions in China warrant it.

Theodore William Overlach. *Foreign Financial Control in China* (The Macmillan Company, New York, 1919).

A book which summarizes the struggle of foreign financial interests for control in China, emphasizing the connection between finance and foreign policy.

### Opium Smoking

*The Traffic in Habit-Forming Narcotic Drugs*, House Document No. 380, Sixty-eighth Congress, First Session. (Washington, Government Printing Office, 1924).

A collection of documents defining the attitude of the United States toward the international traffic in drugs.

Ellen N. LaMotte. *The Ethics of Opium* (The Century Co., New York, 1924).

A vigorously written account of the opium smoking problem in the different colonies in the Orient, as well as the opium problem elsewhere. The author of this book confuses what the powers have undertaken to do under the Hague Convention of 1912 with what they should do from the moral standpoint.

G. Graham Dixon. *The Truth About Indian Opium* (India Office, London, 1922).

An official defense of the practice of eating raw opium in India, which, according to this document, is an old usage designed as a preventive of malaria, etc. Mr. Dixon also shows how the production and use of opium has declined under the present system of control.

Raymond Leslie Buell. *The International Opium Conferences* (World Peace Foundation Pamphlets, Vol. VIII, 1925).

An account of the uses and sources of opium, the Hague Convention of 1912, the work of the League of Nations, and the two Opium Conferences of 1924–25. The author points out that only the United States and Japan have really suppressed smoking in their Far Eastern dependencies.

## "Independence" Questions

### THE PHILIPPINES

Maximo M. Kalaw. *Self-Government in the Philippines* (The Century Co., New York, 1919).

Mr. Kalaw, the head of the political science department of the University of the Philippines, makes an argument in favor of Philippine independence, pointing out the success of the scientific budget of the Philippines, and of local self-government. He argues that a "stable" government has already been established and that in view of the promises of the United States, the independence of the Philippines should be recognized.

D. R. Williams. *The United States and the Philippines* (Doubleday, Page & Company, New York, 1924).

A well-informed but biased account of the American occupation and government of these islands, by a former member of the Philippine Commission, who is extremely hostile to the Harrison administration. He does not believe in independence, although apparently he would grant the islands greater autonomy.

*The "Wood-Forbes Report,"* House Document 325, Sixty-seventh Congress, Second Session (Washington, Government Printing Office, 1922).

An official report of the Special Mission to the Philippine Islands which concluded that since the Act of 1916 the Philippine services had deteriorated and that the islands were not ready for independence.

*Filipino Appeal for Freedom,* House Document 511, Sixty-seventh Congress, Fourth Session (Washington, Government Printing Office, 1923).

A statement of the Philippine Mission in regard to conditions in the Philippines, concluding that a stable government had already been established and that independence should be granted.

"America and the Philippines," *The Round Table, 57,* (December, 1924).

The most impartial account of the Philippine question, written by an American, who believes that the findings of the Wood-Forbes report are reasonably accurate, but who believes that the present system of government is unworkable and should be supplanted by some form of semi-independence in which the Philippines would be subject to a Platt amendment.

## KOREA

*Annual Report on Reforms and Progress in Chosen*, Compiled by the Government-General of Chosen, Keijo.

An official account of Japanese administration in Korea, published periodically. The number for 1918–1921 contained an account of the reforms inaugurated after the Revolution of 1919.

Henry CHUNG. *The Case of Korea* (Fleming H. Revell Co., New York, 1921).

This is a Korean account of the alleged abuses of Japanese administration in Korea before 1919 and of the Korean independence movement. The author regards the reforms of 1919 as a sham. But the Koreans will not be satisfied even with genuine reforms. Their cry is for "complete independence."

Arthur Judson BROWN. *The Mastery of the Far East* (Charles Scribner's Sons, New York, 1919).

The leading idea of this book, written by a well-known mission leader, is that Korea is the strategic point in the mastery of the Orient. The latter part of the book is devoted to a discussion of the rôle of Christian missions in the Orient, the influence of which, the author believes, is of great importance to world peace.

Frederick Arthur MCKENZIE. *Korea's Fight for Freedom* (Fleming H. Revell, New York, 1920).

An account of Korea's history and conquest, by a British writer of Korean sympathies.

Ralston HAYDEN. "Japan's New Policy in Korea and Formosa." *Foreign Affairs*, Mar. 15, 1924.

An informative and objective article describing Japanese administration in these colonies, written by a professor in the University of Michigan who spent 18 months studying colonial government in the Orient.

## INDIA

Lajpat RAYA. *The Political Future of India* (B. W. Huebsch, New York, 1919).

A statement of the Indian case for Indian independence by a well-known Indian writer who charges that the British have ruled India, more in the interest of the British merchant than the Indian.

Sir Valentine CHIROL. *India, Old and New* (The Macmillan Company, New York, 1921).

The best general survey of the history of the British occupation of India, the independence movement, and the Reforms of 1919, written by a distinguished traveler and journalist.

Sir Courtenay P. ILBERT and Rt. Hon. Lord MESTON. *The New Constitution of India* (University of London Press, London, 1923).

Six lectures by recognized authorities on the structure and working of the new Constitution of India which the authors believe to be "the greatest constitutional experiment in modern history."

Al. CARTHILL. *The Lost Dominion* (William Blackwood and Sons, Edinburgh, 1924).

The pseudonymous author of this book knows his India well. Whether or not the reforms granted by Great Britain to India have been wise, the author is convinced that the maintenance or reëstablishment of direct British control over India is now impossible. The result may be unhappy, as no other power except the British has been able to hold the peoples of this sub-continent together, except temporarily. India is now confronted with grave problems of maintaining order, the army, the protection of minorities, and the native states. So far, however, the writer states that the Indians do not even recognize that these problems exist.

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## PART IV

## COMMERCIAL AND INDUSTRIAL PROBLEMS OF THE PACIFIC

United States Tariff Commission. *Colonial Tariff Policies* (Washington, Government Printing Office, 1922).

A publication of great importance, pointing out the great resources of colonial regions, including those in the Pacific, and treating in detail of the tariff policies of the colonial powers and the self-governing of the Dominions which may obstruct access to necessary raw materials.

George Hubbard BLAKESLEE. "The Mandates of the Pacific," *Foreign Affairs*, Sept. 15, 1922.

An article by the professor of international relations at Clark and Pacific expert at the Washington Conference, tracing the history of each of these islands and the problems arising out of this new type of control.

Mingchien Joshua BAU. *The Open Door Doctrine in Relation to China* (The Macmillan Company, New York, 1923).

This volume summarizes the large number of treaties as well as correspondence in regard to the Open Door in China. The author shows how the international Banking Consortium may operate to secure equality of opportunity, not only in loans but in concessions as well.

William S. CULBERTSON. *Raw Materials and Foodstuffs in the Commercial Policies of Nations* (The Annals of the American Academy of Political and Social Science, Vol. CXII, 201, March, 1924).

A highly valuable study, by a member of the United States Tariff Commission, showing the extent and effect of such government restrictions as import and export duties, embargoes, monopolies, etc., on raw materials, of particular importance to the Pacific region. There is also a discussion of concessions, population, migration, and race rivalry. The author makes out a strong argument for some form of international control.

George Sherwood EDDY. *The New World of Labor* (George H. Doran Company, New York, 1923).

In this book, the well-known social and religious leader points out that in Asia there are 570 millions gainfully employed in cheap labor, more than twice the number in Europe and America combined. Chapters devoted to labor conditions in China, India, and Japan point out the vast problems which the industrialization of these countries is bringing about.

Sydney OLIVIER. *White Capital and Coloured Labour* (The Socialist Library, IV, Independent Labour Party, London, 1906).

This is a sympathetic study of the problems of interracial co-operation in its industrial aspects, by Lord Olivier, who was secretary of state for India in the MacDonald Government. He does not believe that the native is incorrigibly lazy. He is convinced that forced labor is not only unnecessary but inefficient. Although

this book is devoted largely to Africa, most of the reasoning is applicable to the relations of the white capitalist to oriental labor.

George Alexander JOHNSTON. *International Social Progress* (The Macmillan Company, New York, 1924).

In this book an English educator and expert, engaged for a time in the work of the International Labour Office, discusses the problem of international labor legislation and the work of the Labor Organization set up by the peace treaties. It is especially significant to note that as a result of the suggestions of this Organization, labor conditions in such Pacific countries as China, Japan, and India have been visibly improved.

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## PART V

## PROBLEMS OF POPULATION AND EMIGRATION

Harold WRIGHT. *Population* (Cambridge Economic Handbooks—V, Cambridge University Press, London, 1923).

The best book for the general reader on the population question. After discussing the theories of population, Mr. Wright inquires into the relation of population to food-supply. While he does not believe there is any immediate cause for anxiety, he fears that the pressure of population in Europe may retard the recovery of pre-war prosperity. He believes that some form of control over the quality and quantity of population should be established.

A. M. CARR-SAUNDERS. *The Population Problem, A Study in Human Evolution* (Oxford, The Clarendon Press, 1922).

An exhaustive and scholarly inquiry into the population problem from the historical point of view. The author shows that from the earliest times, men have taken artificial means of controlling the birth rate. He does not believe, however, that either war or migration is due directly to overpopulation. This book is probably too heavy for the average layman to read.

Harold COX. *The Problem of Population* (G. P. Putnam's Sons, New York, 1923).

In this book, the author, an English editor, applies the Malthusian doctrine to present conditions, showing how population is out-

stripping food supply. He believes that over-population may be a cause of war and that nations should enter into an agreement not to expand their populations.

Edward Murray East. *Mankind at the Crossroads* (Charles Scribner's Sons, New York, 1923).

Another book by a Harvard professor pointing out that population is reaching the saturation point, but showing that the white races are increasing faster than the colored.

*Emigration and Immigration; Legislation and Treaties* (International Labor Office, Geneva, 1922).

An invaluable summary of the legislation regarding emigration and immigration and international agreements concerning these same subjects.

Jeremiah Whipple Jenks and W. Jett Lauck. *The Immigration Problem* (5th ed., revised by R. D. Smith, Funk & Wagnalls Company, New York, 1922).

This is probably the most comprehensive study so far made of American immigration conditions and needs. The book contains a valuable summary of the legislative policy of this country toward immigration, from the first immigration act of 1882 to the 3 per cent. quota legislation of 1921. There are also chapters on "Oriental Immigration to the Pacific Coast," "Immigration Policies of Other Countries," and the "Race Problem in the Pacific."

"The Migration of Races," *The Round Table*, 42 (1921).

An article which advocates a migration policy for the British Empire, particularly to the Dominions of the Pacific.

Persia Crawford Campbell. *Chinese Coolie Emigration to Countries within the British Empire*, Studies in Economics and Politics, University of London (P. S. King and Son, London, 1922).

Miss Campbell has made a valuable contribution in regard to the coolie traffic, which, after carefully weighing the evidence, she believes should not be continued.

## PART VI

## TREATMENT OF ORIENTALS IN WESTERN COUNTRIES

Ta CHEN. *Chinese Migrations, with Special Reference to Labor Conditions*, Bulletin of the United States Bureau of Labor Statistics, 340, U. S. Department of Labor, Government Printing Office, Washington, D.C., 1923.

In this careful study, the author traces the history of Chinese emigration to, and the economic and social welfare of Chinese immigrants in Formosa, the Dutch East Indies, British Malacca, the Philippines, the Hawaiian Islands, the Transvaal and France (during the World War). As only 8,179,000 out of more than 375,000,000 Chinese now live outside of China, emigration has failed as a remedy for overpopulation. Although some treaties have been made protecting Chinese emigrants, the author states that emigrants to British Malacca, the East Indies and the Philippines are still subjected to vice and inhumane treatment.

Mary Elizabeth Burroughs Roberts COOLIDGE. *Chinese Immigration* (Henry Holt & Company, New York, 1909).

This is an exhaustive study of the Chinese emigrant in the United States from the period of free immigration, which began in 1848, through the period of exclusion treaties and laws down to the San Francisco fire of 1906. The author states that many charges against the Chinese, especially that of "coolie slavery" were false or exaggerated. Aftcr pointing out the effect of the maladministration of the exclusion laws and the violation of treaties by the United States upon our relations with China, thc author declares that "lawlessness, class hatred, incapacity for co-operation . . . have been in part the fruits of race discrimination."

"White Australia," *The Round Table*, 42 (1921).

The anonymous author of this article justifies the "White Australian policy" on the ground that such a policy is necessary if an interracial conflict is to be avoided. When two races having different economic capacities and different conceptions as to the position of women intermingle, conflict will be the result. At the same time he recognizes that overcrowded countries should be allowed to expand, but preferably in the Orient.

Raymond Leslie BUELL. *Japanese Immigration* (World Peace Foundation Pamphlets, vol. VII, 5–6, Boston, 1924).

This is a documented attempt to state the facts in regard to Japanese Immigration, without expressing an opinion as to policy. Chapters are given over to the Japanese in the United States, the Gentlemen's Agreement, the Question of Discrimination, the Exclusion Legislation of 1924, Japanese and American Opinion, and the Exclusion Law, Immigration Treaties, "Domestic Questions," Treatment of Foreigners by Japan, Treatment of Japanese by the Dominions of the British Empire. The appendices contain the texts of the relevant treaties, supreme court decisions, congressional documents, and correspondence in regard to Japanese immigration.

Valentine Stuart MCCLATCHY. *Japanese Immigration and Colonization*, S. Doc. 55, Sixty-seventh Congress, First Session.

In this brief compiled by the leader of the anti-Japanese movement on the Pacific coast, he has mustered the arguments against Japanese emigration to the United States and the Gentlemen's Agreement as a method of exclusion.

Sidney Lewis GULICK. *The American Japanese Problem* (Charles Scribner's Sons, New York, 1914).

This well-known participant in the Japanese controversy here attempts to clear up the misunderstandings in regard to the Japanese in America. While he believes that the demand of the Pacific coast for exclusion is fundamentally sound, he believes that the assimilation of educated Japanese already in this country is possible and that exclusion should be brought about by a non-discriminatory means—such as the quota plan, later applied to European nations by Congress. To his mind, the real Yellow Peril "is the steady maintenance of a violent anti-Asiatic spirit" in white countries.

Kiyoshi Karl KAWAKAMI. *The Real Japanese Question* (The Macmillan Company, New York, 1921).

An exposition by a prominent Japanese journalist, resident in the United States, of the Japanese question in Hawaii and on the Pacific coast. Mr. Kawakami believes that many of the charges against the Japanese there have been exaggerated or based on misrepresentation. After discussing Japan's population problem, he reaches the conclusion that if peace in the Pacific is to be maintained, the territory of the world should be more equitably distributed or the Oriental exclusion laws of "western colonial powers" removed.

Valentine Stuart McClatchy and Raymond Leslie Buell. "May Japanese Become Citizens?" *The Forum*, September, 1924.

In this debate Mr. McClatchy opposes naturalization on the ground that it would lead to unrestricted immigration and because it is impossible to assimilate the Japanese. To admit them to citizenship would be dangerous from the economic and political standpoints. Mr. Buell contends that naturalization has nothing to do with Japanese exclusion which should be maintained. He sees no reason for denying citizenship to educated Japanese residents who pass the necessary tests, especially since such a privilege is already granted to members of other Asiatic, African, and negro races.

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## PART VII

## INTERRACIAL CO-OPERATION

Theodore Lothrop Stoddard. *The Rising Tide of Color* (Charles Scribner's Sons, New York, 1920).

The leading exponent of racialism who believes that "white civilization" and the "white" race is in danger of submersion by the colored peoples.

J. H. Oldham. *Christianity and the Race Problems* (George H. Doran Company, New York, 1924).

An effective anti-racialist argument by the Secretary of the International Missionary Council who believes that racial prejudice is caused more by moral than instinctive causes. If interracial peace is to be maintained, an exclusion policy must be established, but by means which will not needlessly irritate the colored races. He believes that the Christian Church has a fundamental part to play in bringing about the peaceful co-operation of the different races of the world.

Charles Conant Josey. *Race and National Solidarity* (Charles Scribner's Sons, New York, 1923).

Mr. Josey, who teaches psychology at Dartmouth, attempts to bolster up the theories of racialism with arguments drawn from philosophy. He believes that the "continued domination of the white race" is desirable and that this domination must rest on force.

Frank H. Hankins. "Race as a Factor in Political Theory," the last chapter in W. A. Dunning, *A History of Political Theories*,

*Recent Times*, Vol. IV (Edited by C. E. Merriam and H. E. Barnes, The Macmillan Company, New York, 1924).

In this chapter, Professor Hankins of Smith College has made an excellent summary and criticism of the racial theories from the time of Aryanism down to Nordicism.

Francis Sydney MARVIN (editor). *Western Races and the World* (The Unity Series, V, Oxford University Press, New York, 1922).

While there is only one chapter in this collection of essays dealing with the Pacific—that by Professor Soothill on Western Races and the Far East, the whole spirit of the book is of interracial co-operation. In an introductory chapter Mr. Marvin points out that the secret of the supremacy of the West has been, not so much in the superiority of individual westerners over Orientals, but in a "capacity of united and constructive action" which the East has not yet acquired. Co-operation between East and West can be brought about by educational processes.

Ellsworth HUNTINGTON. *The Character of Races* (Charles Scribner's Sons, New York, 1924).

In previous well-known studies, Mr. Huntington, the Yale geographer, has pointed out the profound effect which climatic and geographic factors have had upon human development and civilization as a whole. In this book he carries this theme further, showing the effect of geographic influence upon racial character. By numerous illustrations, he proves that migration, bringing with it racial mixture and natural selection, has greatly modified racial traits which others have supposed to be inherent. This doctrine of inherent racial superiority, Mr. Huntington says, is advocated by many a man "who knows that in his own self he has no special superiority over his fellows," and consequently "takes refuge in the thought that he belongs to a superior race."

Augustus Henry KEANE. *Man, Past and Present* (Revised by A. H. Quiggin and A. C. Haddon, Cambridge University Press, 1920).

A scientific description and classification of the races of mankind, based on the character of hair—a work of recognized ethnologists.

Samuel Jackson HOLMES. *The Trend of the Race* (Harcourt, Brace & Company, New York, 1921).

An interesting discussion of the subject of heredity, environment, eugenics, and the declining birth rate, etc., by a professor of zoölogy

at the University of California. In a chapter on racial marriages, the author comes to the conclusion that we have insufficient grounds for condemning the crosses of races or peoples *per se;* and he believes that in the future intermarriage between races will increase.

Edwin Grant CONKLIN. *The Direction of Human Evolution* (Charles Scribner's Sons, New York, 1921).

In three of these stimulating lectures, the professor of biology at Princeton University discusses the race of men, the peoples of the earth, and the hybridization of races. The victory in interracial competition will not go to the race with the highest standard of living unless it is accompanied by superior intelligence, capacity, and ethics. Every race, it is Professor Conklin's opinion, has contributed something to civilization. The general effect of interracial marriages is to lower the higher race and to elevate the lower. He believes that within 10,000 years, there will be a general commingling of all existing types.

Robert Ezra PARK and Herbert A. MILLER. *Old World Traits Transplanted* (Americanization Studies, Harper and Brothers, New York, 1921).

The best study of the problem of Americanization of immigrants, written by two professors of sociology. While most of their attention is directed to European immigrants, there is a discussion of the Japanese and Chinese communities in this country. The authors do not believe that it is desirable or possible to suppress the social heritage of the immigrant, but they do believe it is possible for him to become assimilated if given the proper sympathy and encouragement.

John Palmer GAVIT. *Americans by Choice* (Americanization Studies, Harper and Brothers, New York, 1922).

The best study of the problem of naturalizing the foreigner in the United States, written by the former Vice-President of the *New York Evening Post;* a book which includes a full discussion of the legal aspect of naturalization and the improvements which could be made in our naturalization laws.

Sir Frederick John D. LUGARD. *The Dual Mandate in British Tropical Africa* (William Blackwood and Sons, Edinburgh, 1923).

This is probably the most important book ever written in regard to the relation of European and native peoples in Africa. While its facts do not deal with the Pacific, many lessons drawn from

Africa may be applied to this region. Sir Frederick Lugard is the author of the words, quoted by President Harding in his Birmingham speech: "Here, then, is the true conception of the interrelation of colour: complete uniformity in ideals, absolute equality in the paths of knowledge and culture, equal opportunity for those who strive, equal admiration for those who achieve; in matters social and racial a separate path, each pursuing his own inherited traditions, preserving his own race purity and race pride; equality in things spiritual, agreed divergence in the physical and material."

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## PART VIII

## RELIGIOUS AND CULTURAL CONTACTS IN THE PACIFIC

Goldsworthy Lowes Dickinson. *An Essay on the Civilization of India, China, and Japan* (J. M. Dent and Co., London, 1914).

Mr. Dickinson, a leading English educator and essayist says that there are as great differences between India, on the one hand and China or Japan, on the other, as between India and any western country. Japan reminds him of ancient Greece. While China has remained a social and political unit, India has been submerged by successive invasions. He believes that the East has developed a type of life, marked by culture, religion, and literature which the West has lost. The West, on the other hand, has succeeded in constructing the machinery of life to a greater extent than the East. In the future, he thinks that the West will acquire more of the culture of the East, while the East will adopt the machinery of the West.

Stephen King-Hall. *Western Civilization and the Far East* (Charles Scribner's Sons, New York, 1924).

The author of this book is an Englishman who believes the most pressing problem before mankind is "world governance," and that this problem cannot be solved unless the 600 millions in the Orient are given more influence in international affairs than they have had in the past, and unless the white men curb the pugnacious philosophy which has hitherto controlled them. In arriving at these conclusions,

the author surveys the recent relations of the countries of the Orient to each other and to the western world.

Masaharu ANESAKI. *The Religious and Social Problems of the Orient* (The Macmillan Company, New York, 1923).

These lectures by a Japanese professor bring out in an interesting way the religious and cultural differences between East and West, the latter emphasizing the individual, the former, the commune or family. He shows how Buddhism and Christianity, originally antagonistic, are proceeding to a stage of mutual understanding.

Bertrand Arthur W. RUSSELL. *The Problem of China* (G. Allen and Unwin, Ltd., London, 1922).

The most interesting chapters in this book are those which deal with Chinese civilization and character. Mr. Russell, the well-known British philosopher, believes that the average Chinaman, though miserably poor, is happier than the average Englishman, because the Chinese nation is built on a more humane and civilized outlook.

Tasuku HARADA. *The Faith of Japan* (The Macmillan Company, New York, 1914).

These lectures of Professor Harada do not deal separately with Shinto, Confucianism, Buddhism, or Christianity, but with "that union of elements from which each and all have taken root in Japanese soil and molded the thought and life of her people." Consequently, he discusses the Japanese conception of the Deity, "The Way of Humanity," "The Law of Enlightenment," "The Doctrine of Salvation," the spirit of loyalty, and the idea of future life. Although there are many obstacles to the spreading of Christianity in Japan, the author believes that Christianity is a superior religion and that it is growing in numbers and efficiency.

Abraham Mitrie RIHBANY. *Wise Men from the East and from the West* (Houghton Mifflin Company, Boston, 1922).

While this book, written by a prominent Syrian resident of the United States, is concerned largely with racial contacts in the Near East, it contains a penetrating description of the differences between the contemplative Orient and the scientific and energetic West.

George Foot MOORE. *History of Religions*, 2 vols. (Charles Scribner's Sons, New York, 1916).

The standard work on comparative religions with chapters devoted to the beliefs of China, India, and Japan.

J. Estlin CARPENTER. *Comparative Religion* (Home University Library Series, Henry Holt & Company, New York, 1912).

In the second chapter of this book, the principal of Manchester College, Oxford, has briefly summarized the different religions of the world.

Edmund Davison SOPER. *The Religions of Mankind* (4th ed., The Abingdon Press, New York, 1923).

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## PART IX

## NAVAL AND STRATEGIC PROBLEMS OF THE PACIFIC

Hector C. BYWATER. *Sea-Power in the Pacific* (Houghton Mifflin Company, Boston, 1921).

This is the best discussion, by a British naval expert, of the naval and the strategic situation in the Pacific as it existed before the Washington Conference. While many chapters are of purely technical interest, Chaps. IX and X on "Strategy in the Pacific" and "A War in the Pacific" may be profitably read by the layman. Mr. Bywater says that an American-Japanese War would primarily be decided by the island of Guam, which the United States neglected to fortify.

Raymond Leslie BUELL. *The Washington Conference* (D. Appleton & Company, New York, 1922).

This is a survey of the causes and accomplishments of the Washington Conference in regard to China, the Pacific, and armaments. The author believed the Conference established the military supremacy of Japan in the Far East. He underestimated, however, the moral forces resulting from that Conference which changed Japan's Oriental policy. Chapters of the book also discuss the Japanese system of government and Japan's population problem.

Kiyoshi Karl KAWAKAMI. *Japan's Pacific Policy* (E. P. Dutton and Company, New York, 1922).

A Japanese view of the Washington Conference.

General N. Golovin. *The Problem of the Pacific in the Twentieth Century* (Glydendal, London, 1922).

*The Armaments Year Book of the League of Nations.*

The most authoritative and complete statement, annually compiled, as to the military and naval establishments of the governments of the world.

M. S. Woodhouse. "The Case of Singapore," *The Asiatic Review*, January, 1924.

An argument in favor of the construction of a British naval base at Singapore which, the author says, would not violate the naval treaties of Washington.

*National Defense and the Limiting of Naval Armament* (Congressional Digest, January, 1925).

Articles summarizing American naval policy, the question of treaty ratios, etc., presenting both sides of the controversy.

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# THE INTERNATIONAL OPIUM CONFERENCES

## I. THE USES OF OPIUM AND COCAINE

Opium, the coagulated juice of the poppy plant, has a large number of uses and takes a large number of forms. In the first place, opium may be manufactured into drugs, such as morphine and heroin. These drugs are used for scientific and medical purposes; but they may also be used for "dope" by drug addicts, a practice which is widespread in European countries and in the United States. Cocaine, the product of the coca leaf, may be also used for this purpose. The Narcotic Drug Control Commission of New York says that "drug addiction is not like the habit of drinking alcoholic beverages. The worst drunkard can, if he will, make a sudden determination and quit his habit forever. . . . But the drug addict rarely, if ever, rids himself of his habit alone by force of determination or will. . . ."[1] According to the testimony of physicians and others, many of the crimes of violence in the United States have been committed by drug addicts, out of a savage desire to secure the wherewithal to gratify their craving.[2] Of these drugs, heroin seems to be the most harmful, and a drug whose medical uses are slight. In 1922 the United States passed an act prohibiting the importation of opium for the manufacture of heroin altogether.[3] At the fifth session of the Advisory Committee on Traffic in Opium of the League of Nations, the Portuguese delegate proposed a resolution, which was adopted,

[1]*Second Annual Report,* Narcotic Drug Control Commission, Albany, 1920, p. 8.

[2]*Cf.* the testimony in "Limiting Production of Habit-Forming Drugs and Raw Materials from which they are made." *Hearings before the Committee on Foreign Affairs,* House of Representatives, 67th Cong. 4th sess., February, 1923. *Cf.* E. S. Bishop, *The Narcotic Drug Problem* (Macmillan, 1920); E. H. Williams, *Opiate Addiction, Its Handling and Treatment* (Macmillan, 1922); *Preliminary Report on the Use of Narcotics,* Bureau of Social Hygiene, New York, November, 1924.

[3]Act of June 7, 1924. Public No. 274, 68th Cong.

recommending that the Council request each Government to appoint a committee to ascertain the possibility of completely abolishing the manufacture of heroin and its use.[1] The American delegation proposed such prohibition at the Opium Conference in 1924[2], a proposal which was not, however, accepted.[3]

The number of drug addicts in the United States is uncertain. The most recent estimate, made by the federal Public Health Service, places the number at 110,000.[4] The per capita consumption of opium in this country is also placed at about 8 grains. In view of the amount of drugs smuggled into the country, these figures are probably too low.

## Opium Smoking

In the second place, opium is smoked primarily by the Chinese throughout the Far East. Smoking is widespread in China and among Chinese laborers in Siam, British Malaya, the Dutch East Indies and other Far Eastern territories. To a certain extent the natives of these latter territories have also become addicted to the habit.[5] The opium thus consumed is called "prepared opium" or *chandu* which is made by boiling raw opium until it has the consistency of molasses. While there is universal agreement that the use of "dope" is harmful, there has been a divergence of opinion as to whether opium smoking is evil. Two official British Commissions—one appointed in 1893 to inquire into the use of opium in India, and the second appointed in 1909

[1]*Minutes of the Fifth Session,* Advisory Committee on Traffic in Opium and other Dangerous Drugs, (League of Nations, C. 418. M. 184. 1923. XI), p. 121.

[2]L. of N. doc., O. D. C. 46. References to the First Opium Conference, November 3–December 13, 1924, and to the Second Opium Conference, November 17, 1924–February 14, 1925, are necessarily to provisional documents. These are identified by the initials: C. O. P. and O. D. C., followed by numeral assigned when the document was presented to the appropriate body. The conference documents with their numbers retained will be published in the permanent proceedings.

[3]But *cf.* p. 116.

[4]*Public Health Reports,* May 23, 1924, No. 21, p. 1189. According to a report of a committee appointed March 25, 1918, by the Secretary of the Treasury there are about 1,000,000 addicts in the United States. The accuracy of these figures have been disavowed, however, *cf.*, p. 107. In arriving at its estimate the committee took no account of drugs re-exported from the United States, but counted them as being consumed.

[5]*Minutes, cited,* p. 58.

to inquire into the Straits Settlements—expressed the belief that opium smoking, when practiced in moderation, had no apparent injurious effects.[1] However, a committee appointed by the Governor to inquire into the opium policy of Ceylon recommended in 1907 "that the use of the drug, except for medical purposes, should be entirely prohibited after a definite period."[2] The American Commission which investigated the opium question in the Philippines in 1904 also declared, "In comparing the effects of opium smoking on people of differing racial temperaments and constitution, it is at best an imperfect argument to maintain that in some instances no great depth of degradation is reached, and therefore no serious evil is involved. The question is not only to what but also from what do men fall. Degradation, like poverty, is relative. So that if a Chinese, for instance, endowed with large powers of endurance and fine intellectual faculties lowers those powers 10% by some vice, although not becoming incapacitated by his excess, he is as culpable as the Malay with fewer gifts who by the same vice reduces his vitality in the same measure but in so doing touches the bottom of worthlessness. . . ."[3] In providing for the gradual suppression of opium smoking in the Opium Convention of 1912, the powers recognized that "the opium-smoking vice is generally degrading. . . ."[4] In the majority of cases, it appears that the Chinese in the Far Eastern colonies acquire the smoking habit after taking up their residence in these territories.[5]

[1]*Final Report of the Royal Commission on Opium,* C. 7723, vol. XLII, 1895, p. 51; *Proceedings of the Commission Appointed to Inquire into Matters relating to the use of Opium in the Straits Settlements and the Federated Malay States,* Cd. 4521, vol. LXI, 1909, p. 12, 44.

[2]*Consumption of Opium in Ceylon,* Cd. 4000, 1908, p. 8, vol. LXXI.

[3]*Report of the Commission of Inquiry as to Opium in the Philippine Islands,* S. Doc. 265, 59th Cong., 1st sess., p. 48. At the Opium Conference of 1912 the Chinese delegate said that in 1892, 5,000 physicians in Great Britain publicly declared that eating or smoking opium was morally and physically harmful, and that opium, in India as well as in England, should be classed as a poison. *Conférence Internationale de l'Opium,* La Haye, 1 décembre 1911–23 janvier 1912, vol. I, Procès-verbaux officiels, p. 35.

[4]*Report of United States Delegates,* S. Doc. 733, 62nd Cong. 2nd sess., vol. 39, p. 19.

[5]Cd. 4521, *cited,* p. 11. Also *Proceedings of the Committee Appointed by His Excellency the Governor and High Commissioner to inquire into Matters relating to the Use of Opium in British Malaya.* Singapore, 1924. "We sum up this statistical evidence by accepting the view that the majority of Chinese smokers in British Malaya commenced the habit in Malaya." A 12.

In the third place, raw opium or the coca leaf may be eaten. The Indians of Peru and Bolivia eat coca leaves to increase their endurance in high altitudes.[1] The practice of eating raw opium is, on the other hand, confined very largely to India. "Opium is in virtually universal use throughout India as the commonest and most treasured of the household remedies accessible to the people. It is taken to avert or lessen fatigue, as a specific in bowel complaints, as a prophylactic against malaria (for which its relatively high anarcotine content makes it specially valuable), to lessen the quantity of sugar in diabetes, and generally to allay pain in sufferers of all ages. The vast bulk of the Indian population, it must be remembered, are strangers to the ministrations of qualified doctors or druggists. They are dependent almost entirely on the herbal simples of the country; distance and the patient acceptance of hardships standing in the way of prompt access to skilled medical relief. In these circumstances the use of opium in small quantities is one of the most important aids in the treatment of children's sufferings. It is also a frequent help to the aged and infirm, and an alleviation in diseases and accidents which are accepted as incurable."[2] According to a report made to the International Missionary Council in 1924, the custom of giving opium pills to small children prevails in almost every part of India, 90% of the Hindu children and 75% of the Mohammedans being doped, according to some physicians, from birth until they are two years old. This "remedy" is given to children to appease hunger, and to allay diarrhea, vomiting and other ills.[3]

Whether or not the practice of eating opium is detrimental to health and morals, and therefore "illegitimate" has been hotly debated. In 1817 the Directors of the East India Company said, "Were it possible to prevent the use of the drug altogether, except strictly for the purpose of medicine, we would gladly do it in compassion for mankind." Later, however, the official attitude changed. Nevertheless, anti-opium sentiment was so strong

[1] *Cf. Report of Subcommittee "C"*, O. D. C. 75; *cf.* also p. 45.

[2] Despatch to Secretary of State by Lord Hardinge's Government in 1911, quoted by G. Graham Dixon, *The Truth About Indian Opium*, The Industries and Overseas Department, India Office, December, 1922, p. 9.

[3] *Opium in India*, National Christian Council of India, Burma and Ceylon, Calcutta, 1924, p. 7.

that in 1891 the House of Commons passed a resolution stating that opium revenue was morally indefensible and urging the Indian government to give practical effect to this resolution. A further resolution looking to prohibition was defeated in 1893 at the intervention of Mr. Gladstone. As a substitute, a resolution was passed authorizing the appointment of a Royal Commission of nine members, including two Indians, to report "Whether the growth of the poppy and manufacture of opium in British India should be prohibited except for medical purposes." After examining 722 witnesses whose testimony fills seven volumes, the majority of the Commission reported that the "medical and quasi-medical uses of the drug are so intermixed that it is impossible to draw a line between them;" that "looking to the whole evidence, we find a marked preponderance on the side of the view that the common use of opium in India is a moderate use leading to no evident ill-effects;" and that no organized body of native Indians, with the exception of total abstinence societies, demanded prohibition.[1] However, the impartiality of this report was attacked by a minority minute, which stated that there was evidence that some Indians were compelled to cultivate the poppy by officials and that the report was more of an "elaborate defense of the opium trade" than a "judicial pronouncement."[2] The official attitude of the British and Indian governments today is based on the findings of the Commission of 1893. This attitude has been challenged by the National Christian Council of India who conducted an inquiry into the use of opium there in 1924 at the request of the International Missionary Council. This report states that the use of opium enhances the infantile mortality rate and that while the use of opium may deaden pain, it does not really cure. The Council believes that it is possible to separate the medical and scientific uses of the drug from the "customary uses," and that the Indian government should rapidly and steadily work for the restriction of opium to the former purposes.[3] In January, 1925, the Indian National Congress passed a resolution stating that the governmental opium policy "is detrimental to moral welfare"

[1]C. 7723, *cited*, p. 18, 19, 65, 93.

[2]Minute of Dissent by Mr. H. J. Wilson, *ibid*, p. 137.

[3]*Opium in India, cited*, p. 5, *ff*.

and that the Congress would welcome its abolition.[1] The Liberal Federation of India and the Indian National Social Conference also supported the restriction of opium to medical requirements. Gandhi, Tagore, and such observers as Mr. C. F. Andrews have likewise condemned the customary uses of opium in India.[2] This attitude has won the support apparently of the Health Committee of the League of Nations which has declared that in its opinion "the legitimate needs of a country are its needs exclusively medical and scientific."[3] Moreover, Sir David J. Galloway, a member of the Malaya Opium Committee in a paper read to the Fifth Congress of the Far Eastern Association of Tropical Medicine in 1923, declared:

"I scarcely think I require to demonstrate to you how much more harmful is the eating than the smoking opium on the physical condition of the individual, but there are other more pernicious effects which seem to cling to eating opium. The first of those is that the amount which is eaten is far in excess of the amount which is necessary to neutralize the effects of the smoking which has been given up. The second is that the desire to increase constantly the dose is far greater in eating than in smoking and thus the earning capacity of the eater is steadily encroached on and a time comes when he cannot afford to buy even the dross to satisfy his craving and he begins to look round for a cheaper method of indulgence. *The only cheaper method is morphine injection* and it cannot be too clearly understood that the unsatisfied opium eater is the potential morphine injector. . . ."[4]

While the Indian government has always regarded the production and export of opium from India to the outside world as of international concern, it has consistently taken the position that the internal uses of opium in India are "domestic" in character, the prohibition of which is a matter to be decided only by the Indian government. In the Instructions to the British Delegates to the Opium Conference of 1912, it was stated that the

[1]O. D. C. 87, O. D. C. 90, O. D. C. 132.

[2]*Cf.* C. F. Andrews, "The Opium Menace in India," *Indian Review*, April, 1924.

[3]*Minutes of the Fifth Session*, Health Committee (C. 27. M. 13. 1923. III), p. 27. The British representative made a reservation in regard "to the use of opium in Eastern countries."

[4]*Malaya Opium Committee, cited*, B 105. Also *Transactions of the Royal Society of Tropical Medicine and Hygiene*, Vol. XVIII, Nos. 5 and 6, 1924. "A Discussion on Drug Addiction in the Tropics," which is not conclusive either way as to eating opium.

conference should not consider "Any resolution specifically affecting the domestic regulation of the production and use of opium and cognate questions of internal administration in India, or any other portion of the British dominions."[1] The same position was taken by the Indian government at the Assembly of the League of Nations, before the Advisory Committee on Opium and the Opium Conference of 1924–5.[2]

On the other hand, the rules issued under the Government of India Act of 1919 transferred control over excise opium to ministers responsible to the provincial legislatures, controlled by the Indian electorate.[3] As soon as the majority of such a legislature believes that opium should be restricted to medical uses, it may pass legislation to this effect. An official report says, "The statement occasionally made by ignorant critics, that the Government is forcing opium down the throats of a reluctant people, corrupting souls and ruining bodies for its own selfish purposes, has thus not even the merit of plausibility. Indians themselves are now fully empowered, if they so desire, to restrict the use of opium in their own country."[4]

The eating of the coca leaf has also been defended. According to an official memorandum of the Bolivian Government, "It would be impossible for the Bolivian Government to contemplate restricting the production of coca leaves without seriously interfering with the needs and economic life of the working population, particularly in mining districts, as coca leaves constitute for them a source of energy which cannot be replaced. In the most distant epochs coca played a rôle in the ancient civilization of the Incas and, although its daily use has been generalized for centuries,

[1]Cd. 6605 (1913), p. 3. [2]*Cf.* p. 78, 107.

[3]Draft Rules under *Sections 1, 2, 4 (3), 10 (3), 12, 46 and 33 of the Government of India Act,* 1919, Cmd. 891 (1920) p. 29: "12. Excise, that is to say, the control of production, manufacture, possession, transport, purchase and sale of alcoholic liquor and intoxicating drugs, and the levying of excise duties and license fees on or in relation to such articles, but excluding, in the case of opium, control of cultivation, manufacture and sale for export." Thus the control of opium for export or "provision" opium is reserved to the British authorities. *Cf.* Sec. 10, Chap. 101, 9 and 10 Geo. 5, 1919. *Cf.* Statement of Lord Hardinge before the 5th Committee of the 4th Assembly, 1923, *Official Journal,* Special Supplement No. 18, 1923, p. 49.

[4]L. F. Rushbrook Williams, *India in 1923–1924.* A Statement prepared for presentation to Parliament in accordance with the requirements of the 26th Section of the Government of India Act, Calcutta, 1924, p. 224.

no case of poisoning has ever been recorded. . . . All that has been said against coca as an agent of demoralization and emasculation relates to cocaine and not to the leaf of the plant. The leaf has no morally corrupting influence and physically it does not weaken either the virility or the vitality of those who consume it. The proof is supplied by these Indians, who live to old age and who engage in the most exacting manual labor."[1]

[1]*Minutes of the Sixth Session,* Advisory Committee on Opium (C. 397. M. 146. 1924. XI), p. 105.

## II. THE PRODUCTION OF OPIUM AND COCA

While the production of opium is limited to a few parts of the globe, the raw product as well as its derivatives may be smuggled with infinite ease from one part of the world to another. Hence the opium traffic has become an international problem. Estimates of the annual world production of opium range from 2,500 tons to 15,390 tons[1] depending on the amount estimated for China, which has been placed as high as 15,000 tons, a figure denied, however, by the Chinese government. No opium is grown in America or in Europe, with the exception of the Balkans. The world's opium comes largely from the following countries:

PRODUCTION OF OPIUM, 1922

| | | | |
|---|---|---|---|
| China | 4,400,000 lbs. | Serb-Croat-Slovene State | 235,752 lbs. |
| India | 1,954,656 | Greece | 50,000 |
| Turkey | 650,000 | Turkestan | 44,000 |
| Persia | 450,000 | Afghanistan | 25,900[2] |

On the other hand, the coca leaf from which cocaine is derived grows in Peru, Bolivia and Java. In the two former countries it grows wild, while in the latter country it is cultivated by the natives for hedges. The morphine content of Indian and Chinese opium is about 8%. As no opium with a content under 10% can be profitably used for the extraction of morphia, Indian and Chinese opium is consumed almost entirely in eating and smoking in the Far East. It is not manufactured into drugs consumed in Europe and the United States. However, Persian, Turkish and East European opium, having a morphine content ranging from 12% to 16%, is manufactured into drugs consumed in western countries as well as in the Orient.

[1]The Secretariat of the League of Nations estimated total production at from 2,500 to 3,500 tons; the Indian government estimated it at 15,390, an estimate which placed China's production at 12,000 tons. *Cf.* Note of Indian Delegation, O. D. C. 83. A similar estimate for China is made by *China Year Book*, 1924–1925, p. 568.

[2]*Minutes of the Fifth Session*, Advisory Committee, *cited*, p. 178.

## China

At the present time, China produces between 50% and 90% of the opium of the world—the exact amount of China's production being unknown. This production takes place, however, in defiance of Chinese laws and apparently in violation of China's treaty obligations. Following a long campaign, the Chinese Government issued the edict of September 20, 1906, commanding that "within a period of ten years the evils arising from foreign and native opium be equally and completely eradicated. Let the Government Council frame such measures as may be suitable and necessary for strictly forbidding the consumption of the drug and the cultivation of the poppy. . . ."[1]

Partly as a result of a resolution of the House of Commons reaffirming its conviction that the Indo-Chinese opium trade was morally indefensible[2] the British government entered into an arrangement with China undertaking to diminish exports of opium from India to China by 5,100 chests annually—one-tenth of the previous average exports to China. This reduction was to take place for three years. If by the end of the period China had actually succeeded in reducing cultivation, the Indian government agreed to continue these annual reductions of exports. In 1911 a new agreement was drawn up in which Great Britain, recognizing the "pronounced success" of China in diminishing production, agreed that all opium exports to China would be entirely extinguished before 1917 "if clear proof is given of the complete absence of production of native opium in China."[3] In 1913 Indian exports to China were entirely stopped,[4] at an annual loss of more than $35,000,000 revenue to the Indian government.

[1]Text, *Opium Question in China*, Cd. 3981, (1908) vol. CXXV, p. 2.

[2]Of June 7, 1906, 158 *H. of C. Debates*, 516.

[3]Arrangement of August 12–December 2, 1907, which also provided that the Chinese Government could appoint an officer to watch opium auctions at Calcutta, with no power of interference. The Agreement of May 8, 1911, also provided that during the period of the agreement Great Britain could conduct inquiries as to production by British officials accompanied, if the Chinese Government so desired, by a Chinese official. Their decision as to the extent of cultivation should be accepted by both parties. For both agreements, *cf.* 104 *British and Foreign State Papers*, 140 *ff.*

[4]*Moral and Material Progress and Condition of India*, 1912–1913, vol. LXIII, 1914, p. 43. *Cf.* also *Opium Question in China*, Cd. 6876 (1913), vol. LXXXI.

So successful was the Chinese Government in attacking this problem, that the British Legation at Peking reported in 1908 that "China has not hesitated to deal with a question which a European nation, with all the modern machinery of government and the power of enforcing its decisions, would probably have been unwilling to face."[1] Commenting on the efforts of China, the International Anti-Opium Association of Peking also declared, "Throughout the civilized world the Chinese Government and people were credited with having wrought a moral reformation almost without parallel in the history of the world."[2] Successful as these efforts originally were, a reaction set in. In 1918–19 cultivation was revived throughout the provinces under the direction of revolutionary generals—a fact which called forth a protest from the British Government against an infringement of the pledge given by China in the 1911 agreement.[3] By 1923–24 poppy growing had become universal throughout China, with the single exception of Shansi province.[4] In some districts from 50% to 90% of the land was planted with poppy. In many cases generals compelled the peasants to grow this crop to pay for arms imported from abroad for revolutionary purposes.[5] The central government was too weak to enforce the anti-opium laws.

In 1921 the Advisory Committee on Traffic in Opium of the League of Nations suggested that in view of the recrudescence of poppy-growing in China, the Treaty Powers should protest directly to the provincial authorities with the consent of the central government.[6] At the second session of the Committee the Chinese representative virtually said that there was no poppy cultivation in China, which called forth a resolution from the Committee, inviting the Council to ask the Chinese Government to make a more thorough investigation, in which represen-

[1]Cd. 3981, *cited*, p. 31.

[2]*Letters from Chinese Statesmen and Leaders on the Present Opium Conditions in China*, International Anti-Opium Association, Peking, 1924, p. 3.

[3]*The War Against Opium*, International Anti-Opium Association, Peking, 1922, p. 27.

[4]*Cf.* Investigation by the International Anti-Opium Association, *Official Journal*, League of Nations, October, 1924, p. 1429.

[5]*Cf.* p. 113.

[6]*Minutes of the First Session* (C. 77. M. 39. 1921. XI), p. 47.

tatives of the League might participate.[1] When the Chinese representative objected, a compromise was effected in which the Chinese Government would undertake an investigation with the assistance of representatives of non-official bodies in China, such as the International Anti-Opium Association. But up to the time of the Opium Conferences of 1924–25, the Chinese Government had failed to make this inquiry. At its sixth session, the Advisory Committee considered that it had exhausted all measures at its disposal and that a full publication of the discussion in the Committee on the situation in China should be secured "with a view to bringing the influence of world public opinion to bear upon the Chinese authorities in the provinces and to stimulating public opinion in China itself."[2]

## India

In India the production and export of opium is controlled by the Government. Throughout British India, the cultivation of the poppy is allowed only under license. The Government annually fixes the area to be sown, while the license specifies the exact acreage the licensee may till. With the exception of the Punjab, the poppy cultivator is bound to sell all of his produce to the Government at a fixed rate. The Government advances money to the cultivator for the cultivation of the poppy as for other crops, apparently without interest. Crude opium is sent to a government factory to be made up into raw opium of two forms: (1) "provision" opium designed for export, (2) "excise" opium which is consumed in India. Under this system of control, opium acreage in India has decreased from 613,996 in 1905–06 to 143,750 in 1920–21. Excise opium is issued only to licensed dealers. The number of licensed shops, which are fixed so as not to exceed the moderate needs of the consumers, decreased from 9,531 in 1892–93 to 6,394 in 1921. Acting under the maximum revenue-minimum consumption theory, the Government has increased the issue price of this opium 50%, with the result that the consumption of chests has

[1] *Minutes of the Second Session* (C. 416. M. 254. 1922. XI), p. 13.

[2] *Official Journal*, October, 1924, p. 1420. Representatives of the Chinese Government have denied the rumor that the Government was contemplating the establishment of an opium monopoly. M. Chao-Hsin Chu, *Records of Plenary Meetings*, 4th Assembly, p. 97.

been reduced from 8,334 in 1911–12 to 7,480 in 1919–20.[1] The consumption of opium has thus decreased despite the fact that population has increased three millions during the same period. Considerable so-called Malwa opium is produced in certain Native States over which the Imperial Government has limited control. This opium is not, however, exported but is used to maintain the supply of excise opium.

In the second place, India has exported large quantities of "provision" opium to China and to other territories in the Far East. At one time this opium was sold at auction in Calcutta to the highest bidder and no questions asked, a policy which encouraged smuggling into countries attempting to prohibit its entrance. In 1915, however, after the two agreements stopping all exports to China, the Indian Government adopted a policy of making agreements with the governments of importing countries for the direct supply of opium which they feel that their respective countries require. By this means the Indian Government has made consuming countries responsible for limiting their imports and preventing re-export. More than three-quarters of the exports of opium from India are sold under such agreements, while opium sold by auction has been reduced from 48,000 chests in 1901 to 705 chests in 1921. At present the auction system still applies to France, Japan, and Portugal, who have failed to enter into agreements with the Indian Government. Since January 1, 1923, nationals from these countries cannot, however, take any opium out of India without a certificate from their respective governments, certifying that the consignment is for legitimate purposes. According to a representative of the Indian Government, "the Indian Government did not send one single ounce of opium out of India to any country which did not want it."[2] Inasmuch as the production of opium also is limited to

[1]Dixon, G. Graham, II and III. *Cf.* also Government of India, Finance Department (Central Revenues), October 9, 1924. *Report by the Government of India for the calendar year 1923 on the traffic in opium and dangerous drugs.*

[2]Mr. Campbell, *Minutes of the Fourth Session,* Advisory Committee on Traffic in Opium (C. 155. M. 75. 1923. XI), p. 39. Also Mr. Hasan Iman, *Records of the 4th Assembly, Plenary Meetings,* p. 99. Exports of opium from India to Persia increased from 85 chests in 1921 to 891 chests in 1924. These chests had been exported from India only after the presentation of official Persian import certificates. But in view of the fact that despite this control large quantities of opium were going to Persia, where it was evidently re-exported, the Indian Government

internal uses and to these amounts requested by foreign governments, the Indian Government maintains a doubly strict control over exports.

OPIUM PRODUCTION IN INDIA

| | *No. of chests of excise opium* | *No. of chests of provision opium (for export)* | *Total* |
|---|---|---|---|
| 1911–12 | 9,126 | 14,000 | 23,126 |
| 1912–13 | 9,947 | 7,000 | 16,947 |
| 1913–14 | 8,307 | 12,000 | 20,307 |
| 1917–18 | 8,567 | 14,499 | 23,066 |
| 1918–19 | 8,512 | 12,500 | 21,021 |
| 1919–20 | 7,289 | 7,400 | 14,689 |
| 1920–21 | 7,074 | 5,800 | 12,874[1] |

EXPORTS TO COLONIAL GOVERNMENTS UNDER AGREEMENT—1920–1921[2]

| | | | |
|---|---|---|---|
| Straits Settlements | 3,000 chests | Netherlands Indies | 2,800 chests |
| Hongkong | 165 " | British North Borneo | 172 " |
| Siam | 1,700 " | Ceylon | 40 " |

## TURKEY

Turkey is the third largest producer of opium, the poppy being used not only for opium but also for edible oil. Poppy oil, which is cheaper than olive oil, is used widely by the peasant populations for food and butter, in soap and for burning in lamps. As the poppy requires little attention, it is a crop which is easily and profitably grown in regions the population of which has been thinned by war or migration. It is claimed that the proceeds of a poppy field are three times that of a grain field.[3] Since there is little opium smoking in Turkey, the poppy is cultivated for economic reasons, and largely for export. Although the Government claims 12% of poppy production as a tithe, it does not appear to have restricted production or export in the past.

was requested by the British Secretary of State for India to refuse to recognize Persian import certificates.

[1] *Statistical Abstract for British India*, 56th number, Cmd. 2033, p. 140. A chest of provision opium weighs 140$\frac{1}{7}$ lbs; of excise opium, 123$\frac{3}{7}$ lbs.

[2] *Ibid.*, p. 142.

[3] *Cf.* Memorandum of American Consul General at Constantinople, *Minutes of the Fifth Session, cited*, p. 197.

## Persia

In this struggling country, opium is a crop of great economic importance. The total production is about 2,000,000 lbs. The revenues to the Government from this production is 8.9% of the total annual revenues, while opium constitutes from 20% to 25% of the total exports of Persia, exclusive of oil. In some cities 25% of the population is dependent upon the opium trade.[1] In 1910 the Persian parliament passed a law prohibiting, after seven years, the use of opium for other than medicinal purposes, and laying down other regulations. It proved impossible to enforce these provisions, however, because of the invasion of Persia during the World War and the resistance of the peasants to attempts of officials to curtail a means of livelihood.

## Serb-Croat-Slovene State

The cultivation of the poppy in this country was furthered by the Balkan Wars, since it was a crop which produced quick returns in times of uncertainty. The people have also come to rely upon the seed of the poppy, from which raw opium has already been extracted, for a kind of cooking oil. More than thirty oil factories exist in the Serb-Croat-Slovene State. It is estimated that the poppy, produced at maximum capacity, would net the Serb-Croat-Slovene State $5,000,000 a year. "The whole amount is exported abroad, not directly, but indirectly, through Salonika firms."[2]

[1] *Memorandum on Persian Opium*, O. D. C. 24.

[2] *Memorandum on the Cultivation of the Poppy in the Serb-Croat-Slovene State*, O. D. C. 64.

## III. THE HAGUE CONVENTION OF 1912

As long as the states producing raw opium placed no limitation upon its export to states attempting to prohibit the illicit uses of the drugs, international complications inevitably arose. In an effort to adjust these conflicts, the United States, whose interest in opium had been stimulated by the annexation of the Philippines, asked thirteen powers to appoint an opium commission, which met in Shanghai in 1909, and adopted a set of resolutions in regard to the control of the drug traffic.[1] In 1912 twelve of these powers met at The Hague for the purpose of formulating these principles into an international convention. Presided over by Bishop Charles H. Brent of the United States, this conference, which held 26 plenary sessions, formulated a Convention for the Suppression of the Abuse of Opium and other Drugs, which dealt especially with the following subjects:

1. Raw opium, out of which prepared and medicinal opium are manufactured.
2. Prepared opium, used for smoking purposes.
3. Medicinal opium, such as morphine and cocaine which may be used for medical and scientific purposes, but which has also been used for "dope."
4. Special provisions in regard to China, made necessary by the exterritorial rights of the Treaty Powers.

1. Each power promised to "enact efficacious laws or regulations for the control of the production and distribution of raw opium." The convention, did not, however, state to what extent production should be controlled. The powers also undertook the definite obligation to prevent the export of raw opium to countries which shall have prohibited its entry. While the acceptance of this principle was of the greatest importance, the convention did not define any method by which this obligation should be fulfilled.[2]

[1] *Opium Problem,* Report of American Delegates, S. Doc. 377, 67th Cong. 2nd sess., vol. 58, p. 65.

[2] The Netherlands Government unsuccessfully proposed the government monopoly of the sale and purchase of raw opium, as the best means of preventing smuggling, at the Conference of 1912. *Conférence Internationale de l'Opium,* La Haye, 1 décembre 1911–23 janvier 1912, procès-verbaux officiels, p. 94.

2. The powers agreed "to take measures for the gradual and effective suppression of the manufacture of, internal trade in, and use of, prepared opium, with due regard to the varying circumstances of each country concerned." This was a promise eventually to do away with smoking; but as the Legal Section of the Secretariat of the League of Nations has pointed out, "it is for each State to decide, according to individual circumstances, as to the precise manner in which its suppression may be brought about."[1] Moreover, the import and export of prepared opium shall be prohibited. Those powers, however, "which are not yet ready to prohibit immediately the export of prepared opium shall prohibit it as soon as possible," another indefinite provision. Even if the export of prepared opium is stopped, the export of raw opium may be continued as long as the importing country wishes to receive it. Once imported, it may be manufactured into prepared opium without limitation.

3. The powers agreed to enact laws "to limit exclusively to medical and legitimate purposes the manufacture, sale and use of morphine, cocaine and their respective salts. . . ." They shall use "their best endeavors" to control persons in the drug business. These provisions are also vague, both as to the extent and as to the content of the obligation. The convention did not define what is meant by "medical and legitimate purposes."

4. The powers shall take the necessary measures to prevent smuggling into Chinese territories, and to reduce the number of opium shops in their leased territories in China, etc.[2]

[1]*Minutes of the Fifth Session, cited,* p. 23. At the Conference of 1912 the French Delegation proposed the adoption of a resolution expressing the wish that the Governments should assist each other in coping with the evils of alcoholism which had increased with the decrease of the sale of opium. The American Delegation, however, opposed the resolution. *Procès-verbaux, cited,* p. 116.

[2]For text of the convention, *cf.* appendix I, p. 120. It was signed by twelve Governments, four of which made reservations. France made a reservation in regard to separate ratification and denunciation for French protectorates; Great Britain said if ratified, the convention should apply to India, Ceylon, the Straits Settlements, Hongkong and Wei-Hai-Wei—the same as the United Kingdom; but His Majesty's Government reserved the right to sign or denounce the convention separately in the name of any Dominion or colony, etc., other than those mentioned. Siam and Persia made reservations in regard to China, since they had no treaties with China. Persia also declined to accept the anti smuggling provision of the treaty, preventing the export of raw opium to countries not wishing to receive it.

Several interesting constitutional questions arose at the Conference of 1912.

The suggestion of the United States that "an international commission should be intrusted with the carrying out of any international agreement concluded," was not adopted.[1] Instead, the convention imposed certain duties in regard to the collection of information and ratification upon the Netherlands Government. Moreover, in the event of questions arising relative "to the enforcement either of the Convention or of the laws, regulations, or measures resulting therefrom, the Government of the Netherlands will, if these questions cannot be settled by other means, invite all the contracting powers to appoint delegates to meet at The Hague in order to arrive at an immediate agreement on the questions."[2]

## Ratification

A radical departure from the customary method of ratifying a convention was made by the Hague Conference of 1912. Believing that it was useless for the twelve powers represented at the Conference to ratify until other countries also adhered, the Hague Convention provided for the adherence of all the nonsignatory powers in Europe and America, thirty-four in all, before the convention should go into effect.[3] In case, however, these powers did not sign before December 31, 1912, the Netherlands Government should call another conference of the powers which had signed to consider the possibility of ratification notwithstanding. Such a conference was actually held in July, 1913, while a third conference was held for a similar purpose in June, 1914. At the latter conference, a protocol was drawn up providing that the convention should come into effect upon its ratification regardless of the other powers. By 1921, this protocol had been ratified, however, only by the United States, China, the Netherlands,

The German delegate said that in the United States legislation would be necessary to carry a treaty into effect. He wanted to know, therefore, what guaranty the parties had that Congress would pass such legislation. To which Dr. Wright, the American delegate, replied, the guaranty of good faith. Another German delegate later said that the opium convention would regulate a matter "which for the greater part is reserved to the legislation of the Federal States. The Imperial Government could, therefore, not take upon itself the unreserved obligation to execute the resolutions taken, but only to use their best endeavors to do so." *Summary of Minutes*, p. 105, 117.

[1] *Cf.* Circular Instructions issued by U.S., reprinted in Cd. 6605, p. 7.

[2] Art. 24. [3] Arts. 22–24.

Honduras, Norway, Belgium, Luxemburg, Sweden and Spain.[1] The other powers held back until the Paris Peace Conference. In the peace treaties of 1919–20 the signatory powers agreed that the ratification of those treaties should constitute a ratification of the Convention of 1912 and the Protoeol adopted by the Third Opium Conference in 1914.[2] The Opium Convention therefore did not come into force generally until January 10, 1920—the date when the treaty of Versailles became effective.[3] Although Turkey agreed to adhere to the Opium Convention in the treaty of Lausanne of July 24, 1923,[4] she had not carried this obligation into effcct by the time the Opium Conferences of 1924–25 convened. Besides Turkey, Persia remained the chief opium-producing country, and Switzerland the only important manufacturing country which had not ratified the convention.

Under this agreement the powers undertook to do away with two uses of opium: (1) the smoking of prepared opium, (2) the use of morphine and cocaine except for "medical and medicinal purposes." However, the use of prepared opium was to be suppressed only "gradually," "with due regard to the varying circumstances of each country concerned." We shall now examine the measures taken by the powers to carry out this obligation.

[1]The protocols of the Second and Third Conferences are printed in "The Traffic in Habit-Forming Narcotic Drugs," H. Doc. 380, 68th Cong., 1st sess., 1924, p. 175–198. *Cf.* Appendix, p. 131, 134. The United States undertook informally to bring about the ratification of the 1912 Convention by the Latin-American countries.

[2]*Cf.* Art. 295, treaty of Versailles; Art. 247, treaty of St. Germain; Art. 230, treaty of Trianon; Art. 174, treaty of Neuilly.

[3]It appears as if the British Government took the lead in securing the ratification of the Opium Convention by this method. *Cf.* Statement of Mr. Ceeil Harmsworth, March 10, 1919; 113 *H. of C. Debates*, 872.

[4]Art. 100, treaty of Lausanne.

## IV. THE SUPPRESSION OF OPIUM SMOKING

Although several countries have rigorously suppressed the use of prepared opium at home, the problem has primarily existed in the Far East. The United States has been the only government to attempt a policy of prohibition in regard to smoking in a colony where the practice has been widespread. Before the American occupation of the Philippines, the opium monopoly was farmed out to private producers and its use was unrestricted. In 1903 the American Government appointed a commission to investigate the situation in the Philippines and in the neighboring colonies with a view to recommending a future policy. This commission, of which Bishop Brent was chairman, reported in favor of an immediate government monopoly of opium. After three years, no opium should be sold except for medical purposes; meanwhile smokers should be licensed.[1] Congress, however, rejected the idea of a government monopoly and in the Tariff Act of March 3, 1905, provided for prohibition except for medical purposes.[2]

### Policy in Formosa and Burma

Other colonial powers have followed a policy of control, the most successful examples of which have been in Japanese Formosa and British Burma. In 1897 the Japanese Government established a government opium monopoly in Formosa, the importation of raw opium and the cultivation of the poppy being prohibited except by the Monopoly Bureau of the Government. Opium smoking was limited to addicts licensed by the Government. After March, 1909, licenses of this nature were refused to new smokers. In other words, this system established strict governmental control to prevent new smokers from coming into existence and to bring to an end the habit as the old smokers die off. Chinese addicted to the smoking habit are not allowed to enter the island. The price of opium is kept so low that there is little incentive for smuggling, as far as supplying the licensed smoker is concerned. So successful has this system been that the number of smokers in Formosa declined from 215,476 in 1908 to 38,966 in

[1]Report, *cited*, p. 53. [2]39 Stat. 944.

May, 1924.[1] The Formosan opium system was installed in the Kwangtung Peninsula in September, 1924.

In Burma the British authorities have followed a similar policy. In 1894 the Government required all Burmans who wished to smoke opium to register. Under this method of control the number of smokers has declined from 35,000 in 1902 to 5,404 at the present time.[2]

In 1921 the Siamese Government adopted, in principle, a system of monopoly and licensing similar to the Formosan system.[3] Its application however was postponed, presumably because of the need for revenue which the existing system supplied. Opium provides Siam with over one-third of her revenues. Between 1906 and 1916 the revenue from opium increased 117%, although the total growth of revenue was only 45%.[4] The Siamese Government does not feel that it can sacrifice this source of revenue before obtaining a substitute. At the present time, however, treaties limit the tariff duties which Siam may charge to 3%. While the United States has recognized the principle of national autonomy in regard to tariffs, in its treaty with Siam of December 16, 1920[5], Great Britain has so far insisted on maintaining existing limitations on Siam's tariffs, thus depriving Siam of a source of revenue which she could otherwise substitute for the opium monopoly. The fact that Siam imports all her opium from India creates the presumption that the British Government has taken this attitude toward treaty revision out of self-interest.

## Control in other Colonies

While Japan actually limits the number of smokers in Formosa, other colonial powers merely try to decrease opium smoking through increasing prices, by means usually of government opium

[1]Statement of M. Kaku, *Minutes, Third Meeting,* First Opium Conference, 1924, p. 4. Also Memorandum by the Japanese Delegate, C. O. P. 16. *Cf.* also Sagataro Kaku, *Opium Policy in Japan,* Geneva, November, 1924. In 1900 there were 6.2 addicts per 100 of population, but in 1923, there were only 1.1 addicts. The total net profit of the Government from the opium monopoly in 23 years has been 54,101,059 yen. *Ibid.,* p. 32.

[2]Dixon, *cited,* p. 15. [3]C. O. P. 18.

[4]*Siam's Case for Revision of Obsolete Treaty Obligations,* prepared by W. H. Pitkin, 1919, p. 24 *ff.* *Cf.* p. 67.

[5]*Treaties and Conventions of the United States,* vol. III, p. 2831.

monopolies. In 1913 the Dutch abolished the system of farming out the opium monopoly to the highest bidder in the Netherlands Indies, and put the entire sale of opium in the hands of a government régie. Opium cannot be smoked in the shops where it is purchased, but must be smoked in divans supervised by the government and from which women and minors are excluded. Attempts have been made to exclude smokers from certain "forbidden areas," while a license system has been introduced. Until recently at least, this system has not, however, applied in large centers, and it does not appear to have reduced the number of smokers. The chief means of reducing consumption followed by the Government is to increase prices. Under this system of control, the number of opium-selling shops has diminished from 1480 in 1914 to 1274 in 1921; while the number of divans was reduced from 160 in 1914 to 72 at the end of 1921.[1] However, in 1920 the consumption of opium increased 8% over the average consumption of the six preceding years.[2] But between 1920 and 1923 the Dutch Government asserts that consumption declined about 40%.

France prohibits the illegitimate uses of opium in all her Pacific possessions, except Indo-China and Kwang-chow-wan. Here the customs administration has the monopoly for the purchase, manufacture and sale of opium. The policy is to increase the price of opium, to decrease amounts offered for sale, and to close public smoking dens. Thus the price has been increased from 88 to 187 piastres, while 54 dens were closed in 1923. French officials state that the result of these measures has been to reduce consumption from 128 tons in 1916 to 73 tons in 1923—about 45%.[3]

The present British system for controlling opium smoking is based on the recommendations of a commission appointed to inquire into the opium traffic in the Straits Settlements and the Federated States in 1909.[4] In these colonies, prepared opium is imported by a government monopoly. It is supplied

[1] *The Opium Policy in the Netherlands Indies*, The Hague, 1923, Government's Printing Office; also C. O. P. 19.

[2] *Minutes of the Fifth Session, cited*, p. 137.

[3] Statement of M. Clinchant, *Minutes of the Seventh Meeting*, First Opium Conference, 1924. *Cf.* also, B. M. Peyrouton, *Les Monopoles en Indochine*, 1913, pt. IV. [4] *Cf.* p. 41.

to licensed retailers who must sell to the public at a price fixed by the Government. As a rule, only adult male Chinese are allowed to smoke in licensed smoking rooms. In order to eliminate further the element of private profit, the British have abolished the private retail shop in the Federated Malay States and in Hongkong. The policy here, as in India, is to increase prices and reduce the number of shops. Thus the price of chandu in the Straits Settlements was increased from $3 per tael in 1910 to $12 in 1920.[1]

Macao is a Portuguese colony in China having a population of about 75,000. It is apparently the only colony in the Orient to retain the old system of opium farms—selling the opium monopoly to the highest bidder. The concession lasts for three years. Although the sale of opium by persons not authorized by the concessionnaire is forbidden, the number of shops and the amount of opium under the control of the latter is theoretically limited by decree.[2] It is reported that in 1920 a Chinese firm paid $3,950,000 (silver) for this monopoly.[3] Macao imports opium from India, the amount of which was regulated by an agreement of 1913 which limited imports of the opium farmer to 500 chests a year, 260 to be re-exported and 240 to be locally consumed.[4] Previous to this agreement Macao had imported from 1,600 to 2,000 chests. According to Sir John Jordan, 50 chests would be ample for Macao.[5] The Agreement of 1913 between the Portuguese and British governments has been denounced and a new agreement is being negotiated. It is believed, however, that Macao also imports opium from Persia.

In few, if any, of the Far Eastern territories which have simply tried to reduce consumption by raising prices has the consumption of prepared opium appreciably declined over a period of years.[6] In certain respects, this policy may have positively harmful

[1] *Minutes, cited*, p. 139.

[2] Bulletin Officiel de la Province de Macao, No. 5, January 29, 1910, reprinted in *Conférence Internationale de l'Opium, cited*, vol. II, Documents, p. 167.

[3] *The War Against Opium*, International Anti-Opium Society of Peking, p. 112.

[4] British-Portuguese Agreement of June 14, 1913, 106 *British and Foreign State Papers* 811; *cf.* C. O. P. 28.

[5] *Minutes of the Fifth Session*, p. 48.

[6] *Ibid.*, "Memorandum by the Secretary-General on the application of Part II of the Opium Convention," p. 135 *ff*.

results. According to Sir David Galloway, "There can be no reasonable doubt that the enhancement of the price has had a beneficial effect in that it must have prevented many from beginning such an expensive habit, but I maintain that, as a continuous policy for the suppression of opium consumption, it has passed, in fact has long passed, its limit of usefulness and is now reacting in a most injurious manner on the public health, especially of the Chinese immigrant, by forcing him to adopt methods to which the smoking of opium is comparatively harmless,"[1] such as the consumption of dross and of drugs.

## Labor Question and Opium

With the exception of Formosa and Burma, very little has been done to bring about the "gradual and effective suppression" of smoking. Further steps have not been taken because (1) of the demand of the Chinese inhabitants for opium; (2) the revenue derived from its sale; (3) the ease of smuggling. There is very little sentiment among the inhabitants of these colonies against opium. When the Dutch prohibited the smoking of opium in Banka, 25,000 Chinese went on a strike until their opium was restored.[2] In 1920 an attempt to reduce consumption by a rationing system was made in the Straits Settlements, whereby retailers would be supplied with only 90% of their former purchases. So much dissatisfaction was created by this attempted reform that it was soon abandoned. If smoking opium should be suppressed, some powers fear that Chinese laborers could not be induced to remain in the colonies. According to the statement of the Netherlands Government, "Vast regions, namely, are largely dependent for their economic development on the supply of labor from elsewhere, frequently non-native workers, and, should the use of opium be wholly prohibited, it would be impossible or at least extremely difficult to hire laborers, so that the public welfare would suffer materially from such a measure."[3]

Likewise, the British Malaya Opium Committee reported, "We

[1] *British Malaya Opium Committee, cited,* B 105. One Chinese testified before the Malaya Committee that he spent $300 a month on opium for himself, but only $25 for his children. "There is no other way since I have taken to this habit." *Committee, cited,* C 125.

[2] H. A. Van Coenen Torchiana, *Tropical Holland,* 1921, p. 195.

[3] *The Opium Policy in the Netherlands Indies,* p. 5.

can not avoid reflecting upon possible disturbance of the free influx of Chinese labor which might result from restrictions of this nature, unless this system [of rationing, etc.,] were applied universally wherever the Chinese can earn a livelihood. Any check on a free flow of labor from China would have disastrous effects on the economic position of British Malaya, and these territories would be faced with a steadily dwindling revenue and a steadily increasing expenditure, owing to costly preventive services and establishments required to make the system effective."[1]

## Revenue from Opium

Moreover, opium produces considerable revenue for governments in the Far East, as the following table shows:

| *Government* | *Revenue from opium—1922* | | *Percent of total revenue* | |
|---|---|---|---|---|
| India . . . . . from exports | $9,775,000 | | | |
| " . . . . . internal | 8,735,000 | | | |
| | | $18,510,000 | | 2.8 |
| British Malaya: | | | | |
| Straits Settlements . . . . . | $14,730,724 | | 42.9 | |
| Federated Malay States . . | 8,730,168 | | 16.8 | |
| Johore . . . . . | 3,451,541 | | 40.0 | |
| Kedah . . . . . | 1,691,850 | | 33.3 | |
| Perlis . . . . . | 155,543 | | 39.2 | |
| Kelantan . . . . . | 309,697 | | 23.6 | |
| Trengganu . . . . . | 252,550 | | 37.4 | |
| Brunei . . . . . | 40,001 | $29,362,074 | 18.6 | 28.6 |
| Hongkong . . . . . | | $2,921,065 | | 22.4 |
| Dutch East Indies . . . . . | | 44,000,000 florins | | 11.53 |
| French Indo-China . . . . . | | 14,900,000 piastres | | 27.3 |
| Siam . . . . . | | 16,764,758 ticals | | 43.2[2] |
| Formosa . . . . . | | $4,418,000 | | 8.0 |
| Macao . . . . . | | $2,000,000 | | 40.0[3] |

[1]*British Malaya Opium Committee, cited,* A 54. *Cf.* B 66, B 73, C 20, C 21, C 32, C 75, C 79, C 104, C 241, C 261, which includes testimony of employers to the effect that coolies might leave the country if restrictions upon the use of opium were imposed.

[2]*Statistical Year Book of the Kingdom of Siam,* 1923, Ministry of Finance, Bangkok, III, A. The figures for Formosa are based on the *Japan Year Book,* 1923, p. 688. The Indo-China figures are taken from the budget of Indo-China for 1920, printed in A. Girault, *Principes de Colonisation et Législation coloniale,* (4th ed., 1922), 2nd Part, I, p. 759.

[3]It is impossible to get any official figures for Macao. According to the Statesman's Year Book, 1924, p. 1220, the revenues of Macao are 4,963,763 escudos, or

Since these governments import opium from India, it has been urged, notably by Sir John Jordan, Minister to China during its anti-opium campaign, that the Indian Government could stop the practice of smoking in these territories simply by refusing to produce and export opium for this purpose.[1] The representative of the Indian Government said that such a proposal meant "that the Government of India should set up in business as the moral mentor of the world. The Government of India has no intention of undertaking that task. Why should India go to Siam, France, the Netherlands and Great Britain and say to these countries: 'You do not know your business; you are allowing your nationals to consume far more opium than is good for them. Whatever the reason may be, you are not, in fact, complying with what we consider your policy should be. We have no special knowledge of your country nor of the conditions there; but all the same we propose to teach you your business. We shall cut down your supply by so much a year, in order to force you into what we think are the paths of rectitude.' This is not the intention of the Government of India, neither does it, in my view, promise a satisfactory solution of the question. We have been told that coercion is out of date, but here we have, frankly, a method of coercion."[2] Moreover, if the Indian Government should stop exports, the place would immediately be taken by opium from such countries as China, Turkey, and Persia.

about $5,000,000. The figures for British Malaya and Hongkong are in silver dollars.

[1]Sir John Jordan proposed that the Government of India be invited to reduce its present export of opium to Japan, Siam and the possessions of Europe in the Far East by 10% each year for ten years, and that these governments be requested to reduce *pari passu* the consumption of prepared opium and undertake not to replace the reduction in the Indian supply by opium obtained elsewhere. *Minutes of the Sixth Session* (C. 397. M. 146. 1924. XI), p. 38.

[2]Mr. Campbell, *ibid.*, p. 40. *Cf.* also his article, "The Opium Question and America," *Asiatic Review*, January, 1924.

## V. SMUGGLING

In the third place, the ease with which opium may be smuggled into these territories makes a policy of prohibition or even of strict control difficult to enforce. Despite the rigorous policy of the United States in the Philippines, "the ease with which opium is smuggled makes it impossible to cut off the supply without international cooperation. Our coast line is so extended —approximately 1,500 miles in Mindanao and the Sulu Archipelago alone—that without the expense beyond the power of the Government to incur, the territory could not be properly policed by revenue cutters and similar agencies." [1] Notwithstanding the provisions of the Hague Convention of 1912, smuggling has continued into the Philippines, the Portuguese colony of Macao, the Straits Settlements, and British North Borneo (governed by a private trading company), being the chief sources of infection.[2] At the Opium Conferences of 1924 the Dutch delegate intimated that on account of smuggling the opium situation in the Philippines was little better than in other colonies in the Far East.[3] In its statement as to the opium policy of the Netherlands Indies, the Dutch Government said, "It is self-evident that, both with regard to an increase of prices and other restricting measures, the régie cannot go beyond certain limits in view of the danger of an expanding illicit traffic, to which a vast area like that covered by the islands of the Netherlands Indies is eminently adapted. It is true, that with the aid of the police and customhouse officers a forcible action is taken against this traffic, while, moreover, high premiums are offered. But, if the price of opium is fixed too high and if other obstacles are put in the way of the buyer, the profits attached to smuggling are so large that even the most scrupulous supervision would not be able to put a check upon this traffic." [4] In November, 1923, the Governor of Singapore appointed a committee to inquire into and report on the use of opium in British Malaya. After

[1]Statement of United States, *Conférence International de l'Opium*, vol. II, p. 17.

[2]Bishop Brent, *Minutes of the Fifth Session*, p. 52.

[3]M. Loudon, *Minutes*, 19th Meeting, January 19, 1925, Second Conference.

[4]*Opium Policy, cited*, p. 8.

examining 71 witnesses, this committee reported that the consumption of prepared opium in British Malaya had appreciably diminished, but that under present circumstances further reduction was doubtful. Opium smoking could only be eliminated by control over individual smokers—which meant a rationing system. The installation of such a system, however, would be difficult because of smuggling. Nevertheless, the committee believed that the Government should by the middle of 1926 take over the entire retailing of prepared opium, which would be a necessary step toward rationing.[1] An investigation of conditions at Hongkong also revealed the ease with which smuggling could be carried on. Preventive work was very difficult because of the large alien population constantly going to and from China, Hongkong and foreign countries; the numerous foreign vessels entering the port; a harbor crowded with native craft having a population only too willing to eke out a precarious existence by facilitating smuggling; the nearness of a foreign country with practically no system of government at present; and the necessity of relying upon uneducated Chinese with low standards of honesty as preventive officials.[2] It was estimated that a hundred percent as much opium was smuggled into Hongkong as entered legally. Conditions in British Malaya were nearly as bad.[3] In Burma the licit opium consumed in 1917 was 40,000 kilos; while the illicit consumption was estimated at 8,000—making a total consumption of 48,000 kilos. In 1923 the Government reduced the licit consumption to 32,000 kilos; but the illicit traffic had now arisen to 36,000 kilos, making a total estimated consumption of 68,000 kilos. Thus despite governmental reduction, smuggling had increased total consumption.[4]

The extent of the smoking habit in 1921 may be seen from the following table:[5]

[1]The Malaya Opium Committee, *cited*, A. 50, A. 55.

[2]*Memorandum on the measures taken in Hongkong to combat Opium smuggling;* also *Report of the Committee to Consider the Colony's Position with Regard to the Obligations Incurred under the International Opium Convention*, 1912. March 1, 1924, Hongkong, No. 7.

[3]*Cf.* Seizure of opium in the Straits Settlements (C. 344. M. 116. 1924. XI).

[4]Statement of representative of India, 21th Plenary Meeting, January 20, 1924, Second Opium Conference.

[5]Adapted from annex 10, *Minutes of the Fifth Session, cited*, p. 177.

| *Territory* | *Number of Chinese* | *Kilos* | *Per capita grains of prepared opium consumed* |
|---|---|---|---|
| British North Borneo | 37,600 | 8,400 | 3,360 |
| Straits Settlements | 432,764 | 68,782 | 2,385 |
| Federated Malay States | 494,548 | 33,111 | 990 |
| Unfederated Malay States | 180,000 | 20,991 | 1,748 |
| Hongkong | 610,368 | 9,955 | 244.5 |
| Tsing-Tao (1921) | 211,000 | 1,175 | 84 |
| Indo-China | 546,928 | 73,211 | 2,007 |
| Dutch East Indies | 880,000 | 100,665 | 1,714.5 |
| Macao | 74,000 | 10,622 | 2,152.5 |
| Formosa | 3,000,000 | 66,517 | 333 |
| Siam | 1,000,000 | 70,000 | 1,050 |

The Hague Convention of 1912 obligated the powers to limit the manufacture and use of medicinal opium to medical and legitimate uses. Most of the principal drug manufacturing powers—Great Britain, the United States, Switzerland, Germany, France, and Japan did enact such laws.[1] But in some cases these laws were not enforced; and in many other cases, drugs were smuggled into countries attempting to prohibit their entrance. The Hague Convention of 1912 did not expressly forbid the export of drugs for nonlegitimate purposes,—Article 10 merely said that "The contracting powers shall use their best endeavors to control, or to cause to be controlled, all persons manufacturing, importing, selling, distributing, and exporting morphine, cocaine, and their respective salts."

## Drug Smuggling

As a consequence there has been a great deal of smuggling of drugs into western countries as well as into China. In 1923 Canadian seizures of drugs manufactured in Switzerland were reported to the Secretariat; drugs were also shipped from Germany to Spain, then to France, then to St. Pierre Miquelon and to

[1]For a summary of this legislation, *cf.* "Traffic in Opium," *Summary of Answers*, 1921 (C. 171 (1). M. 88 (1). 1922. XI), and (C. 52. M. 20. 1923. XI). As a result of legislation carrying the Hague Convention into effect the manufacture of morphine and its salts in Great Britain declined from 486,975 ounces in 1910 to 87,940 ounces in 1923; while exports similarly declined from 208,544 ounces to 98,831 ounces. The model measures of this type are the British Dangerous Drugs Act of 1920, 10–11 Geo. V. Ch. 46, as amended in 1923, 13 and 14 Geo. V, Ch. 5; and the Miller-Jones Act of May 26, 1922 of the United States, 42 Stat. 596.

Canada, where they could be smuggled into the United States.[1] It appears that drugs have been dumped into China even more than into western countries. Portuguese Macao wishes to import 120 chests of opium from India annually for purposes of *re-export.* Formosa also imports as much opium as ten years ago, despite the decline in consumption. As both Macao and Formosa import opium from Persia, it is believed that this opium is manufactured into drugs and smuggled into China. The figures filed with the Secretariat of the League of Nations showed that there were approximately 500,000 ounces of morphia and 150,000 ounces of cocaine in Japan. Since the use of these drugs is forbidden in Japan except for legitimate purposes, it is believed that they are smuggled into Kwangtung territory and into China, especially since no export figures are given. In 1921 an opium scandal was exposed in the leased territory of Kwangtung, as a result of which a number of Japanese officials were punished. In February, 1923, the question of morphine smuggling by the Hochi company was raised in the Japanese Parliament.[2] At the fifth session of the Advisory Committee, the Japanese representative stated that, despite repressive measures taken by the Government, there was smuggling from Japan "and he deeply regretted it."[3] This smuggling had been indirectly aided by the United States, which allowed the transit of drugs from Great Britain and other countries across this country to Japan until 1922.[4] Drugs have also been smuggled into China via Vladivostok[5]; while great quantities of smuggled morphia have been seized near Hongkong.[6] The international settlement at Shanghai has prohibited the use of opium; but its efforts have also been thwarted by the smuggling evil.[7]

[1]*Cf. Illicit Traffic in Drugs between Hamburg, Rotterdam and the Far East.* Memorandum of the British Government (C. 486. M. 180. 1924. XI).

[2]*Japan Weekly Chronicle,* March 1, 1923.

[3]*Minutes, cited,* p. 75.

[4]Sec. 5, Act of May 26, 1922; 42 Stat. 596.

[5]*Minutes of the Sixth Session, cited,* p. 50, and annexes 7, 7a, 7b.

[6]*Seizure of Morphia at Hongkong.* Letter from the British Foreign Office (C. 343 (a). M. 115 (2). 1924. XI); also *Seizures in Palestine* (C. 624. M. 223. 1924. XI).

[7]"The Opium Graft in Shanghai," *North China Herald,* January 19, 1925. *Cf.* also *War against Opium,* Chaps. III and X.

According to M. Chao-Hsin Chu, the Chinese representative on the Advisory Committee:

He was most alarmed at the figures of the manufacture of morphine and other dangerous drugs. The amount of morphine in use was far in excess of the amount required for legitimate purposes. In 1921, Germany had produced about 7 tons, Great Britain over 4 tons and in 1922, approximately, 8 tons; Japan over 11 tons in 1921 and over 2 tons in 1922; Switzerland over 2 tons in 1921, and the United States over 9 tons in 1921 and over 5 tons in 1922. Countries thus turned out morphia by the ton, which was purchased by the smugglers by the ton. On December 27, 1922, to give a single instance, 17,920 ozs. of morphine had been seized in Shanghai. This represented approximately half a ton and yielded 28 million doses on a basis of 1 grain to 4 doses. Canada had effected seizures of over half a ton and the same thing had occurred in other countries. This conclusively proved the great danger that these drugs were to the world in general.

China was not to be found on the list of countries producing morphine, but she had suffered more than any other country so far as the consumption of morphine was concerned. Since China had prohibited the smuggling of opium by law, her people had taken to a far more harmful drug, morphia. An injection of morphia was entirely absorbed by the whole body and was about one hundred times more harmful than a pipe of opium. An opium-smoker could live to a normal number of years, but a person addicted to the morphine habit died after two or three years. . . . It seemed to him that the morphine-producing countries were competing with each other owing to the fact that the business was a very profitable one, although the profits went only to smugglers and a few manufacturers. The Governments of those countries gained very little revenue from licenses, but lost a great deal in prestige and reputation. He could not understand why civilized countries should allow such a scandalous state of affairs to continue unchecked. . . .[1]

A flagrant instance of smuggling was exposed in the "Canton Road Smuggling Case," decided by the Mixed Court of Shanghai in March, 1925. This case involved 180 cases of opium shipped from Constantinople on February 26, 1924, on a Japanese steamer to Vladivostok. When passing China, the opium was "feloniously" removed by the defendants and taken to Shanghai to be sold. The plaintiffs in Vladivostok who owned the bills of lading

[1]*Minutes of the Fifth Session*, p. 73. It is estimated that one ton of morphine will provide 62,000,000 injections.

claimed damages of $1,296,000 (silver). The court dismissed this action on the ground that the traffic was illegal; instead it fined both parties, while it imprisoned a number of Chinese connected with the sale. Documents produced at the trial implicated La Roche and Company of Switzerland. They also showed that "the Chinese Army, Navy and Police" had agreed to protect the Chinese concerns engaged in the illicit trade.[1] No action was taken by the Chinese authorities against these officials, according to the *North China Herald*, who declared, that as far as the Chinese were concerned, "It is no crime to sell protection to opium smugglers; it is good party politics, for it brings funds to the exchequer." It then asks, "Why the American Government continues blindly to accept China's assurances on the opium question in the face of breaches of faith, of broken treaties, of pledges made and not kept is not at all clear. . . . Britain gave up a lucrative commerce for humanitarian reasons on the understanding that China would give up growing the poppy. Great Britain kept her word. China became the world's principal producer of opium. Britain is willing to continue its humanitarian efforts in the connection. Why is China unwilling?"[2]

[1]Judgment in *North China Herald*, March 7, 1925, p. 404.

[2]*Cf.* the editorial, *ibid.*, "Opium and Fair Play Again." Judging by the labels on narcotics seized in China during the last five years, the International Anti-Opium Association estimates that Japan has 13, Germany 5, Great Britain 2, Switzerland 3, France 1 and the United States 6 manufacturers of drugs. The Association states that these figures may not be correct. For example, Japan claims to have only 4 factories. The Association believes, however, that at the worst there cannot be more than 30 drug factories in the world and that therefore the manufacture of drugs should not be difficult to control.

In 1924, 11,612 ounces of narcotics were seized in four Chinese ports, 5,507 ounces of which came from Germany; 5,513 ounces from Japan; and 592 ounces from Switzerland. No drugs from the United States or Great Britain were seized. *Morphia and Narcotic Drugs in China*, vol. V, No. 1, February, 1925, p. 3, 6.

## VI. MEASURES PROPOSED TO SUPPRESS SMUGGLING

Three reasons were advanced for the prevalence of the drug traffic, despite the convention of 1912: (1) the fact that the convention had not been universally ratified, (2) the fact that the export and import controls established under the convention were too vague, (3) the fact that no definite limitation was placed upon the manufacture of drugs and the production of raw opium and the coca leaf out of which drugs were made.

### Ratification of 1912 Convention

1. In 1921 the situation in regard to the Opium Convention of 1912 was as follows:

*A.* It had been ratified by 38 states.

*B.* Three states had ratified the convention but not yet signed the Protocol of Cloture of the third Conference:

Denmark
Ecuador
Venezuela

*C.* 11 states had signed but not yet ratified the convention:

Argentina
Chile
Colombia
Costa Rica
Dominican Republic
Mexico
Paraguay
Persia
Russia
Salvador
Switzerland

*D.* 19 states had not yet signed the convention:

Abyssinia
Afghanistan
Albania
Andorra
Armenia
Azerbaijan
Esthonia
Finland
Georgia
Hedjaz
Hungary
Iceland
Latvia
Liechtenstein
Lithuania
Monaco
Russia
San Marino
Turkey[1]

[1]Appendix I, *Procès-verbal of the First Session,* Advisory Committee on Traffic in Opium (C. 77. M. 39. 1921. XI).

Of the governments which had not yet ratified the convention, Persia, Afghanistan and Turkey were important producing states, while Switzerland was an important manufacturing center.[1] Consequently, the efforts of the Assembly and Council of the League of Nations and of the Advisory Committee on Traffic in Opium were put forth to persuade nonsignatory parties to ratify the Convention of 1912. For example, the Second Assembly (1921) passed a resolution, concurring in a resolution of the Council of June 28, 1921, to the effect that "States which are not Members of the League and have not signed or ratified the International Opium Convention should be invited to do so as soon as possible." At the instruction of the Council, the Secretary-General of the League sent a letter to all Governments on March 16, 1923, requesting those who were not already parties to the convention to take action without delay. A special letter was sent to the Governments of the South and Central American States. As a result of these various efforts, the number of ratifications of the Hague Convention increased from 38—the number in 1921—to 48 in 1924.[2] The principal states which had not ratified by the opening of the conferences of 1924 were: Argentina, Lithuania, Paraguay, Russia, Persia, Turkey, Mexico and Afghanistan.

## The Import Certificate Plan

2. The convention of 1912 stipulated that the powers should take measures "to prevent the export of raw opium to countries which shall have prohibited its entry." Since complete discretion was left to each power to determine what these measures should be, no effective international control over raw opium was established. As we have seen, the provisions of the convention in regard to the export of drugs were even more vague. In order to tighten up these different antismuggling provisions, the Advisory Committee recommended that the Council should suggest

[1]Switzerland's delay was due in part to constitutional difficulties as to whether the Federal Government had the power to pass narcotic laws, or whether this power was reserved to the cantons. Statement of M. Ador, 10th meeting of the Fifth Committee, *Minutes of Committees*, 4th Assembly, 1923, p. 132. It is said that delay was also caused by the powerful influence of drug manufacturers in the canton of Basle.

[2]*Cf.* Progress Report, *Minutes of the Sixth Session*, p. 70; also *Official Journal*, September, 1924, p. 1140.

to the Governments concerned, the adoption of an import certificate plan as follows:

> Every application for the export to an importer of a supply of any of the substances to which the convention applies shall be accompanied by a certificate from the Government of the importing country that the import of the consignment in question is approved by that Government and is required for legitimate purposes. In the case of the drugs to which Chap. III of the convention applies, the certificate shall state specifically that they are required solely for medicinal purposes.[1]

This system was approved by the Council and Assembly of the League. By August, 1924, the following 29 countries had accepted and put into force the import certificate plan:

| | | |
|---|---|---|
| Albania | Finland | Netherlands East Indies |
| Australia | Germany | New Zealand |
| Austria | Great Britain | Norway |
| Belgium | Greece | Panama |
| British Colonies | Guatemala | Poland |
| Bulgaria | Haiti | Siam |
| Canada | India | Spain |
| Cuba | Japan | Sweden |
| Czechoslovakia | Latvia | Union of South Africa[2] |
| Denmark | Mexico | |

The Third Assembly (1922) adopted a resolution, in which it "inclines to the view that the Governments which are parties to the International Opium Convention should be asked to agree not to issue licenses for the import of opium, or the other drugs to which the convention applies, from any country which has not yet ratified and put into force the convention," and adopted the import certificate plan. "The Assembly considers this question important and urgent, but, recognizing the complicated and technical character of the issues involved, it is of opinion that the matter should be examined in detail by the Advisory Committee on Traffic in Opium, before any definite action is taken."

The Advisory Committee at its sixth session decided that in view of the measures of control to be submitted to the forthcoming Opium Conference the consideration of this resolution should

[1] *Minutes of the First Session*, Advisory Committee, p. 47.

[2] *Minutes of the Sixth Session*, p. 72. The United States considered the certificate plan adopted under the Jones-Miller Act equivalent to the import certificate plan of the League.

be postponed until next year.[1] One argument used against the proposed plan was that it would give a monopoly in the drug trade to those countries which had adopted it.

In order to facilitate legitimate trade, the Advisory Committee decided that, under the import certificate system it would be legitimate "for these certificates to be issued on telegraphic instructions from his Government, by a diplomatic or consular officer of the importing country, stationed in the exporting country."[2]

While the import certificate plan was the most effective means of carrying into effect the antismuggling provisions of the Hague Convention of 1912, other steps were also taken, as follows. In pursuance of a wish of the 1912 Opium Conference, the Conference of the Universal Postal Union at Madrid in 1920 inserted a provision in the postal convention, prohibiting the dispatch through the post of opium, morphine, cocaine and other drugs except on special authorization.[3] The first session of the Advisory Committee recommended that the Council direct the attention of the Treaty Powers to the provisions of the Convention of 1912 in regard to the prevention of smuggling into Chinese territory. At the fourth session of the Advisory Committee, a resolution was passed—later approved by the Council—noting the promise of the Japanese Government "to make the strictest possible investigation into the illicit traffic in morphine at present being carried on in the Far East; and it recommends that cooperation should be established between the Japanese authorities and the Chinese Maritime Customs, with a view to tracing the sources of contraband morphine." The Committee at its sixth session passed a resolution recommending that powers having extraterritorial rights in China should make regulations to control the carrying on by their nationals in China of the drug trade to which the Hague Convention applies.

Furthermore, in 1922, the Committee recommended that the Governments should arrange for the mutual exchange of full information concerning all seizures made by their respective customs and police authorities. At its fifth session the Committee

[1]*Minutes of the Sixth Session*, p. 110. [2]*Ibid.*, p. 108.

[3]Art. 18 (e), Convention of November 30, 1920, 114 *British Foreign and State Papers*, 444.

recommended that the Governments also transmit to the Secretariat of the League of Nations notice in regard to all important seizures "in order that the fullest international publicity may be secured by the transmission." Steps were also taken by the Committee to bring about the simplification and unification of drug statistics, the control of bonded warehouses and free ports to prevent smuggling, and the increase of penalties to be inflicted on persons engaging in illicit traffic.

## Control of Production

3. However stringent the control of the international trade in drugs might become, it was believed by many that this control would never stamp out the illicit traffic unless some restriction was also placed upon the production of raw opium and upon the manufacture of drugs. In its resolution of June 28, 1921, providing for an investigation of the world requirements of drugs for legitimate purposes, the Council of the League intimated this belief.[1] In its 1922 session, the Assembly declared that so long as drugs "are produced in quantities exceeding the legitimate requirements, there is a great danger that the surplus will find its way into illegitimate channels, and that the control of production, so as to limit it to the amount required for medical and legitimate purposes, is the most effective method of putting a stop to the illicit traffic." On March 2, 1923, the American Congress passed a resolution stating that "the effective control of these drugs can be obtained only by limiting the production thereof to the quantity required for strictly medicinal and scientific purposes, thus eradicating the source or root of the present conditions, which are solely due to production many times greater than is necessary for such purposes." To accomplish this end, the President should ask the Governments of Great Britain, Persia and Turkey to limit the growth of the poppy and the production of opium to the amount actually required for strictly medicinal and scientific purposes. A similar request should be

[1]The resolution provided "That in view of the world-wide interest in the attitude of the League toward the opium question, and of the general desire to reduce and restrict the cultivation and production of opium to strictly medicinal and scientific purposes," the Advisory Committee should inquire into the average requirements of the world. *Minutes of the Thirteenth Session of the Council*, p. 278.

made of Peru, Bolivia and the Netherlands in regard to coca leaves.[1]

In order to make the principle of limited production effective, it became necessary to determine the legitimate requirements of the world. At its first session, the Advisory Committee recommended that the Council should consider the possibility of an inquiry through the International Health Organization, or otherwise, to determine the average requirements of medicinal opium and cocaine for medical and other legitimate purposes,[2] a proposal to which the Council agreed. The Assembly of 1922 declared that the first step necessary in limiting the world's supply of dangerous drugs to legitimate uses is a knowledge of the amount of drugs required by each country for internal consumption, and consequently urged the Governments to supply returns in this respect. On October 12, 1921, the Council requested the Advisory Committee to consider the possibility of an inquiry. In view of the difficulties arising out of the different uses of drugs in Occidental and Oriental countries, this Committee recommended that the Governments furnish the Secretariat with a statement of their total annual requirements. After a number of Governments submitted such estimates, a subcommittee of the Health Committee and of the Opium Committee was established to study the problem.[3] After declaring that "legitimate" requirements meant only medical and scientific requirements,[4] this subcommittee reported that the maximum quantity of raw opium should not exceed 600 milligrams or 10 grains per capita.[5] The Health Committee later changed this figure to 450 milligrams which, it was estimated, would limit the legitimate annual requirements of the world to 720 tons.[6]

[1] 42 Stat. 143. *Cf.* Appendix VI, p. 138.

[2] *Minutes of the First Session*, p. 48.

[3] *Minutes of the Third Session*, p. 14.

[4] *Cf.* also p. 78. Mr. Campbell of India made a reservation. *Minutes of the Fifth Session*, Health Committee, p. 79. For a criticism of Mr. Campbell by Indian legislators, *cf. Legislative Assembly Debates*, vol. IV, No. 48, Sept. 8, 1924, p. 3033.

[5] *Minutes of the Sixth Session*, p. 100, 128. In its resolution of March 2, 1923, the American Congress declared that 100 tons would satisfy the annual medicinal and scientific needs of the world.

[6] *Minutes of the First Session*, Health Committee, 1924 (C. 10. M. 7. 1924. III), p. 30.

## VII. OPIUM AND THE LEAGUE OF NATIONS

Article 23 of the Covenant provides that "subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League . . . will intrust the League with the general supervision over the execution of agreements with regard to the traffic . . . in opium and other dangerous drugs." By virtue of this article, the First Assembly (1920) adopted a resolution stating that it "concurs with the Netherlands Government in its view that it will be preferable for the League to undertake the duties placed upon the Netherlands Government by the Opium Convention with regard to the collection of data and dealing with disputes."[1] For this purpose the Secretariat should collect information. In order to secure the fullest possible cooperation and to assist and advise the Council, an Advisory Committee should be appointed by the Council. At present this Council is composed of representatives of the following Governments: Netherlands, Siam, China, France, Germany, Great Britain, India, Japan, Portugal, Serb-Croat-Slovene State and the United States.[2] It also contains three "assessors"—individuals who are not representatives of any Government but who have a special knowledge of the subject. So far this Committee has held six sessions, the last being held in August, 1924.

### Work of the Advisory Committee

The first work of this Committee has been to study information collected by the Secretary-General by means of questionnaires and annual reports submitted by parties of the convention as to

[1] *Cf.* also the Report of Sir William Meyer, *Meetings of Committees*, First Assembly, 1920, p. 253.

[2] *Minutes of the Sixth Session*, p. 4. The members of this Committee in 1924 were as follows:

Representatives of Governments: Netherlands, M. van Wettum (chairman); Siam, H. E. Prince Charoon (vice-chairman); China, M. Chao-Hsin Chu; France, M. Bourgeois; Germany, Dr. Anselmino; Great Britain, Sir Malcolm Delevingne; India, John Campbell; Japan, Dr. Tsurumi; Portugal, H. E. M. Ferreira; Serb-Croat-Slovene State, H. E. Dr. Yovanovitch; United States, Edwin L. Neville (in an advisory capacity).

Assessors: M. Henri Brenier, Sir John Jordan, Mrs. Hamilton Wright.

production, manufacture and trade in drugs. The Committee has also worked out the import certificate plan, urged ratification of the Convention of 1912, and studied other methods of stopping smuggling as well as the question of limiting production, discussed above.

At its thirteenth session, the League Council required the Advisory Committee to report on an inquiry to determine the requirements of raw and prepared opium "for medicinal and scientific purposes."[1] This led to a debate in the Second Assembly, where the representative of India contended that these words were more strict than the words in the Convention of 1912, and that opium was legitimately used in India for other than medicinal purposes.[2] As a result, the Assembly recommended to the Council that the proposed inquiry should be extended to include all opium the consumption of which may be considered legitimate, and that to this end the word "strictly" be omitted, and the word "legitimate" be substituted for "medicinal and scientific." The American Congress was displeased with this action and passed its resolution of March 2, 1923, which condemned the League's terminology.[3] Before January, 1923, the United States had refrained from cooperating with the League in its fight against opium, but at the fourth session held from January 8–14, 1923, Assistant Surgeon-General Rupert Blue was present as an American representative, "in an unofficial and consultative capacity." At the fifth session, held in June, 1923, the United States was represented "in an advisory capacity" by Congressman Stephen G. Porter, Chairman of the House Committee on Foreign Affairs, Bishop Charles H. Brent, Assistant Surgeon-General Rupert Blue, and Edwin L. Neville of the State Department as technical adviser.

## Policy of the United States

In a speech before the Committee, Bishop Brent declared, "Money is indeed a root of all evil. As with individuals, so with Governments. The crux is that narcotics are wealth as well as vice-producing. Eliminate revenue and what Government would have further interest in the cultivation of the poppy?"[4] Congress-

[1] *Minutes of the Thirteenth Session of the Council*, June, 1921, p. 278.

[2] *Records of the Second Assembly*, Plenary Meetings, p. 540.

[3] *Cf.* p. 75.

[4] *Minutes of the Fifth Session*, p. 11.

man Porter then made a statement in which he declared that "The United States is of the opinion that there should be complete acceptance of, and compliance with, the terms and spirit of the Hague Opium Convention in dealing with the traffic in narcotic drugs." He thereupon submitted to the Committee the understanding of the United States as to the meaning of the Hague Convention of 1912, which was as follows:

1. If the purpose of the Hague Opium Convention is to be achieved according to its spirit and true intent, it must be recognized that the use of opium products for other than medicinal and scientific purposes is an abuse and not legitimate.

2. In order to prevent the abuse of these products, it is necessary to exercise the control of the production of raw opium in such a manner that there will be no surplus available for nonmedicinal and nonscientific purposes.

Mr. Porter argued that since the parties had agreed in the 1912 convention to control the production of raw opium, and since that convention had implied that smoking and the use of dope was illicit, it followed that the production of opium should be limited to the amounts necessary for medicinal and scientific purposes. He stated that it was "an ordinary legal principle that one section of an instrument cannot be so construed as to defeat the purposes of the whole instrument."[1]

It was pointed out, however, by other members of the Committee that if the propositions of the United States were accepted, the production of opium for smoking purposes as well as for eating in India would have to come to an end. But the Convention of 1912 had authorized the temporary continuance of smoking and it was silent altogether about eating opium. This contention appears to have been eventually recognized by the United States, since in the draft convention which it submitted to the Opium Conference, production of opium for smoking purposes was temporarily allowed.[2]

When the Advisory Committee started to discuss the American proposals, the American delegation stated that it preferred not to take part in the discussion. After several requests to get the American delegation to remain, Mr. Campbell, the representative

[1]*Minutes, cited,* p. 15.

[2]Art. I of the American Suggestions. Appendix VIII, p. 144.

of the Indian Government "desired to make one last effort in the matter. A real misunderstanding appeared to have occurred. He had no desire to enter into any discussion regarding the American proposals, nor had he any desire to submit any counter-proposals. He wished simply to ask a few questions with the object of making clear in his own mind the real meaning of the American proposals. If the American delegation found itself unable to adopt this course, he could only say that he very much regretted it."

Mr. Porter replied that "the American delegation was not disposed to enter into any discussion. It had stated its position to the Committee and it would hold itself in readiness to examine any counter-proposals which that body might care to transmit to it." The American delegation then withdrew.[1]

## Acceptance of American Proposals?

The first question before the Committee was whether to accept or reject the American proposals. In view of the past attitude of the League, the sentiment of the Committee was in favor of acceptance, provided these proposals could be worded so as to allow the production of opium for smoking purposes, temporarily authorized by the Hague Convention of 1912, and for eating purposes, in regard to which the convention was silent. In an attempt to effect this compromise, the British delegate, Sir Malcolm Delevingne, proposed that the Advisory Committee accept the propositions of the United States "as embodying the general principles by which the Governments should be guided in dealing with the question of the abuse of dangerous drugs," and that "it rests with the Government of each State to decide what is or is not to be regarded as medicinal or scientific use of the drugs within its own territories."[2] Sir Malcolm later expressed the opinion that "the American proposals contained general principles and were not the text of a law or convention which would have to be regarded as a statement in precise terms of certain things which had to be done."[3] Other representatives opposed the British proposition that each Government should decide what is a medicinal use on the ground that it would make

[1] *Minutes, cited,* p. 82. [2] *Ibid.,* p. 83. [3] *Minutes, cited,* p. 89.

the eating of opium legitimate, which would, according to the chairman, have a deplorable effect.[1] The Committee finally reached a compromise by the adoption of the following resolution:

The Committee accepts the principles stated by the American delegation, subject to the fact that the following reservations have been made by certain States represented on the Committee:

1. The use of raw opium, according to the established usage in India, is legitimate under the convention.

2. The use of prepared opium is legitimate so long as that use is subject to and in accordance with the provisions of Chap. II of the convention.

3. The production and export of raw opium for the purposes stated in (1) and (2) above are legitimate under the convention.[2]

This resolution, as finally adopted and accepted by the United States, was as follows:

The Advisory Committee on Traffic in Opium accepts and recommends to the League of Nations the proposals of the United States representatives as embodying the general principles by which the Governments should be guided in dealing with the question of the abuse of dangerous drugs, and on which, in fact, the International Convention of 1912 is based, subject to the fact that the following reservation has been made by the representatives of the Governments of France, Germany, Great Britain, Japan, the Netherlands, Portugal and Siam:

"The use of prepared opium and the production, export and import of raw opium for that purpose are legitimate so long as that use is subject to and in accordance with the provisions of Chap. II of the convention."

". . . The representative of the Government of India associates himself with the foregoing resolution, subject to the following reservation regarding paragraph I:

"The use of raw opium, according to the established practice in India, and its production for such use, are not illegitimate under the convention."

The representatives of the United States declared, "The reservation made by the representatives of the Governments of France, Germany, Great Britain, Japan, the Netherlands, Portugal and Siam in adopting the American proposals appears to be but a reaffirmation of Chap. II of the Hague Opium Convention, and, as such, gives rise to no question."[3]

The next question before the Committee was the means of giving effect to these principles of the United States. With this in view, Sir Malcolm Delevingne proposed that two agreements be nego-

[1] *Minutes, cited*, p. 93. [2] *Ibid.*, p. 104. [3] *Ibid.*, p. 203.

tiated, one between the governments manufacturing drugs for the purpose of limiting drug manufacture, and the second between the governments with Far Eastern territories where smoking still existed.[1] On June 2, 1923, the Committee adopted this suggestion by recommending that the Council invite (*a*) the Governments of States in which manufactured drugs are produced; (*b*) the Governments where smoking still existed, to enter into immediate negotiations to consider whether, "with a view to giving the fullest possible effect to the Convention of 1912," agreements could not be reached (*a*) as to a limitation of the production of manufactured drugs and of the amounts of raw material imported for that purpose, (*b*) as to a reduction of the amount of raw opium to be imported for the purpose of smoking, both steps "bringing about a reduction in the quantities of raw opium and the coca leaf produced for export."[2] These proposals did not however, provide for the limitation of the production of raw opium. For this reason, the American delegation, which had returned to the sessions to discuss the proposals of the Advisory Committee, proposed an amendment to the effect that "it is necessary to exercise the control of raw opium in the manner that there will be no surplus available for nonmedical and nonscientific purposes."[3] The representative of the Indian Government objected to such a proposal. The Indian Government "was ready to give effect to any limitations, extending if desired to total prohibition, which the consuming countries might wish to impose."[4] It was not, however, prepared to stop production for eating purposes in India, which did not affect the outside world. Mr. Porter, also, believed that countries which produced raw opium should attend the conference. A compromise was finally effected in which the Advisory Committee recommended that the Council invite Governments of States manufacturing drugs and producing raw opium or the coca leaf "for export" to negotiate:

> As to a limitation of the amounts of morphine, heroin or cocaine and their respective salts to be manufactured; as to a limitation of the amounts of raw opium and the coca leaf to be imported for that purpose and for other medicinal and scientific purposes; and as to a limitation of the production of raw opium and the coca leaf for export to the amount

[1]*Minutes, cited,* p. 83. [2]*Ibid.,* p. 104. [3]*Ibid.,* p. 112. [4]*Ibid.,* p. 113.

required for such medicinal and scientific purposes. The latter limitation is not to be deemed to apply to the production and export of raw opium for the purpose of smoking in those territories where that practice is temporarily continued under the provisions of Chap. II of the convention.

Thus the production of raw opium for smoking purposes was temporarily authorized; while the insertion of the words "for export" together with the reservation of India, quoted above, exempted the production of opium for domestic uses in India from the resolution.

## The Proposed Conferences

In the second place, the Committee believed that a conference of the interested powers should be held to bring about the suppression of smoking, as provided in Chap. II of the Convention of 1912. At first it was proposed that membership in this conference be limited to the powers assuming responsibility for the suppression of opium smoking. The Chinese delegate declared, however, that China wished to be invited to such a conference, because of the large number of Chinese in foreign territories addicted to the smoking habit. In order to admit China to the conference, the British delegate proposed that the conference should "consider means to be taken to bring about the suppression of the illegal production and use of opium in China." This proposal was objected to by the Chinese representative, M. Chao-Hsin Chu, who declared that "there must be no outside interference whatever with the internal affairs of China." He agreed, however, to accept a resolution providing that the proposed smoking conference should consider measures "which should be taken by the Government of the Republic of China to bring about a suppression of the illegal production and use of opium in China." In view of this provision China was asked to participate in the Anti-Smoking Conference.[1] Thus the Advisory Committee, at its fifth session, adopted the American proposals as "general principles," and, to carry them into effect, proposed that two conferences be called: one, of the producing governments, to limit the manufacture of drugs and production of opium "for

[1] *Minutes, cited*, p. 114, 118.

export"; a second, of the governments in whose territory smoking still existed, for the purpose of carrying out Chap. II of the Convention of 1912. At the suggestion of the British delegate, the Advisory Committee recommended that the governments attending the anti-smoking conference consider the adoption of the following measures looking to the suppression of smoking:

1. The abolition of the farming system and private retail shops, in order to eliminate all private profit from the opium business.
2. The restriction of opium consumption by a rationing system.
3. The introduction, if possible, of a system of registration of smokers.
4. Uniformity in the price of prepared opium and in penalties for infractions.

The representative of France voted against holding the anti-smoking conference, while Portugal abstained. The other members voted in the affirmative.[1]

The Council of the League forwarded the resolutions of the Advisory Committee to the 1923 Assembly. This body in turn adopted a resolution requesting the Council to invite the Governments concerned to send representatives with plenipotentiary powers to a conference as suggested by the Advisory Committee. The Assembly also suggested that the Council consider the advisability of enlarging the conference so as to include all Members of the League or parties to the Convention of 1912. It was apparently the understanding of the American delegation that this general conference could review the work of the smaller anti-smoking conference.[2] But the resolution provided that the

[1]*Minutes, cited,* p. 67.

[2]This understanding was apparently based on the following statement of Dame Edith Lyttelton of the British Empire who, in opposing the idea advocated by certain members of the Fifth Committee for a single conference, said, "The procedure should rather be that the Governments specially interested in the question of the use of these drugs in the Far East should meet in conference and draw up proposals, which would then be communicated to the Second Conference which would be composed of representatives of all the Governments and would deal with questions of a general nature." Minutes of Fifth Committee of Fourth Assembly, 1923, *Official Journal,* Spec. Sup. 18, p. 43.

However, it should be pointed out that Mr. Porter was a member of the subcommittee which drafted the resolution containing the words in regard to "plenipotentiaries," etc. *Ibid.,* p. 45. While he participated in the debates of the Fifth Committee, he did not speak in the plenary meetings of the Assembly.

anti-smoking conference should be composed of representatives "with plenipotentiary powers" which should "report to the Council at the earliest possible date,"—two provisions which would prevent the second conference from reviewing its acts.

On September 29, 1923, the Council provisionally decided that the first conference, relating to smoking, should be held in July, 1924, and that the second conference, devoted to limitation of manufacture of drugs, etc., should immediately follow.[1] In November, however, the Council decided to postpone these conferences until November, 1924, so as to give time to collect the necessary information,[2] and presumably because of the American elections.

## The Preparatory Committee

In order to take care of the preliminary work, the Council asked the Advisory Committee to nominate a Preparatory Committee of six members, including a representative of the United States and the two European assessors. This committee prepared the agenda, not only for the Second, but for the First Conference.[3] Voting by correspondence, the Advisory Committee selected as its members, the representatives of Great Britain, France, and the Netherlands; Sir John Jordan and M. Henri Brenier served as the assessors; while the United States appointed Mr. Edwin L. Neville.[4] The members of the Preparatory Committee could not agree upon a plan to present to the Second Conference. Some of the proposed plans provided merely for the limitation of drug manufacture and severer export control; while the American plan provided for the limitation of the production of raw opium. No agreement being possible, the committee forwarded five different proposals to the Advisory Committee.[5] At its sixth session, held in August, 1924, the Advisory Committee was, however, able to agree upon a plan which should be recommended to the Second Conference as a basis of deliberation. This plan did not provide for the limitation of production either of raw opium or of drugs, but merely for the

[1] *Official Journal*, November, 1923, p. 1357.
[2] *Ibid.*, February, 1924, p. 348.
[3] *Ibid.*, April, 1924, p. 523.
[4] *Ibid.*, March, 1924, p. 491.
[5] *Report of the Preparatory Committee* (C. 348. M. 119. 1924. XI).

control of exports and imports. Each country should furnish an estimate of its annual import requirements for medical and scientific purposes, of raw opium, coca leaves and their derivatives. Each Government should refuse to authorize the importation of any of these drugs beyond the quantities specified in this estimate.[1] A permanent central board, appointed by the Council of the League, should be established which should not only gather statistics but which should call the attention of Governments to the fact that, if such be the case, its imports had exceeded the estimates previously submitted. Each Government should then refuse to export any further consignment of the drug concerned to such country, unless a revised estimate is made. If any country furnishes no estimate of its requirements, or an estimate which appears to the central board to be greatly in excess of its reasonable requirements and to be likely to be used in part for illicit traffic, the board shall fix the amounts of the reasonable requirements of the country. This amount shall be notified to the Governments, which agree not to allow the export to that country of amounts exceeding the estimate of the board.[2] The import certificate plan should also be embodied in the convention.

Apparently in view of the fact that the Advisory Committee did not touch the fundamental problem of production, the United States also drew up and presented to the conference certain "suggestions" in the form of a draft convention, which provided for the control of the production of raw opium and coca leaves "so that there will be no surplus available for purposes not strictly medical and scientific."[3]

[1]*Official Journal*, October, 1924, p. 1422.

[2]Importation for smoking purposes was temporarily authorized in accordance with Chap. II of the Convention of 1912.

[3]*Cf. International Control of the Traffic in Habit-Forming Narcotic Drugs*, Fourth International Conference, Geneva, November, 1924, a document which contains the Convention of 1912, the suggestions of the Advisory Committee, and the suggestions of the United States in parallel columns.

## VIII. THE CONFERENCE FOR THE SUPPRESSION OF SMOKING

On November 3, 1924, the First Conference, held for the purpose of carrying out Chap. II of the Convention of 1912, opened. The representatives of the following Governments were present: the British Empire, China, France, India, Japan, Netherlands, Portugal and Siam, a total of eight. The United States did not participate in this conference because opium smoking had been suppressed in the Philippines.

The agenda of the conference was as follows:

(1) The examination of the present situation in regard to the application of Chap. II of the Convention of 1912 in Far Eastern territories and of the difficulties encountered;

(2) consideration of measures which can be taken to carry out more effectively the policy imposed in Chap. II, with special reference to the suggestions put forward by the Advisory Committee;

(3) preparation of a convention to embody measures agreed upon by the conference;

(4) consideration, (*a*) of the present situation in China with regard to the production of opium and its effect upon the control of the use of opium in the neighboring territories, (*b*) of the measures which might be suggested to the Government of the Chinese Republic for bringing about the suppression of the illegal production and use of opium in China.[1]

After electing M. van Wettum of Holland chairman and after deciding that plenary meetings of the conference should be held in public, although committee meetings should sit in private, the First Conference gave over its opening sessions to statements of the different measures which each power had taken to limit the use of prepared opium. As pointed out elsewhere, Japan in Formosa was the only power which had adopted a policy which effectively reduced smoking.[2] Failure to adopt more rigid measures of control in Macao was justified by the representative of Portugal partly because the government devoted

The revenue from opium principally to works of charity, health and social welfare which will enable it to effectively combat the use of opium, and later to dispense with this form of revenue. These works are almost entirely for the benefit of the Chinese population, since, as has already

[1]C. O. P. 2. XI. [2]*Cf.* p. 58.

been stated, almost the whole population of Macao is Chinese. Among the works in question are included the sanitary improvement of the Chinese quarters in our Colony, which are considered to be the most sanitary in the whole of the East, improvement in the water supply, and principally work on the harbor of Macao.

All this work, which is intended to improve the physical and moral health of the Colony, is in full course of development and in a short time will change the face of the oldest colony in the Far East. It will be followed by further work of social welfare and education, to which the whole of the revenue from opium will be devoted. In this way the Portuguese Government is convinced that it can do more useful service than by a theoretical suppression of the evil which we are gathered here to combat, and which would thereby be only aggravated. Facts and figures will continue to justify the action of the Portuguese Government in a colony which it has administered from the earliest days, not by virtue of conquest but because of services rendered to humanity and particularly to the Chinese people, whom we have helped to free from the state of piracy of which they were the victims.[1]

This declaration did not state the amount of revenue derived by Macao from the opium monopoly.

When Dr. Alfred Sze, the Chinese representative, proposed that Portugal apply to the League for a loan to tide over the financial crisis which the suppression of the opium monopoly in Macao might otherwise bring about, M. Rodriguez, the representative of Portugal, said he was very grateful to the Chinese delegate; but the country which he had the honor to represent "had no need of advice from any one. . . . The part which Portugal had played in history was well known and showed sufficiently that his country had always worked for the good of humanity." In reply, Dr. Sze said that he too was content to leave the judgment to history. "He thought that history knew it."[2]

All of the powers, with the exception of Japan and China, insisted that further steps in suppressing opium smoking would be fruitless because of the ease with which opium could be smuggled into their territories from China. It was pointed out that the Chinese inhabitants as well as some of the natives wanted opium, and that a policy of prohibition would merely increase bootlegging.

[1]Short account of the position of Portugal as regards the application of Chap. II of the Hague Convention, C. O. P. 28, November 10, 1924.

[2]*Minutes*, 7th Meeting.

## Position of China

The reply of China to this attack was made in a statement made on November 5, 1924 by Dr. Sze:

China frankly admits, and greatly regrets, that, due to temporary disturbed political conditions within her own borders, there has been, to a certain extent, a recrudescence of the cultivation of the poppy and of the production and use of prepared opium. This fact no doubt complicates and renders somewhat more difficult the solution of the problem with which the conference is concerned, but it is to be borne in mind that this is but one element in the present situation, and that, serious as it is to the Chinese people living in China, it is of general or international significance only in so far as Chinese-produced opium finds its way outside of the borders of China, and there is no certain evidence that this occurs to a very great extent. It will, therefore, be unwise, as well as unjust to China, should the fact of the recrudescence of the production and use of prepared opium in China be made an excuse for nonaction on the part of the powers, or in any way allowed to discourage them from making every possible effort to bring to an end, within their several jurisdictions, the smoking of opium or the export of opium which will be used for that purpose.

. . . Upon her part, China gives assurances that, when the present disturbed political conditions in her territory come to an end, and a government with more effective administrative powers is established, the production and use of prepared opium will, in fact, be prevented. . . .

China asked that the powers do everything in their power to stop smuggling of drugs into China, and that they should also take every possible step to bring to a speedy end the use of prepared opium in their Far Eastern territories.[1]

Answering this statement, Sir Malcolm Delevingne, the representative of the British Empire, stated that the Chinese Government had failed to carry out the undertaking given to the League of Nations in 1922 in regard to investigating the cultivation of the poppy. China had been admitted to the present conference, one of the purposes of which was to consider measures for bringing about the repression of the illegal production of opium in China. But the Chinese delegate had not recognized the real situation in China which was "the dominant factor in the Far Eastern situation to-day," nor had he presented any constructive proposals

[1]C. O. P. 21, November 5, 1924.

whatever. In view of the widespread cultivation of the poppy in China at present and of the present political situation, he did not think that there were grounds for accepting merely the assurances of China that cultivation would come to an end with the establishment of stable government. The British delegate presented a mass of evidence to show the extent to which Chinese opium was being smuggled throughout the Far East.[1] Other delegates also pointed out the importance of smuggling. Mr. Sugimura, the Japanese delegate, however, came to the defense of China, saying, "The conference could have entire confidence in the future of the great Chinese nation." He pointed out that there was no smuggling into Formosa. Later the Japanese delegation proposed a resolution expressing confidence in China and reiterating the principle of nonintervention in her internal affairs.[2] After a controversy in which the Indian delegate wished the conference to criticise China for her opium production, Japan withdrew the whole motion.

Dr. Sze protested against the "guillotine methods" of the conference—his request for the admission of China to the steering committee of the conference, composed of France, Great Britain, Netherlands and Japan having been denied. He again gave assurances that China would stop production as soon as a stable government was established.

Inasmuch as the conference had now taken the position that smoking could not be suppressed until smuggling out of China was stopped and inasmuch as the Chinese representatives would make no proposals except a blanket assurance, a deadlock arose which made action on major questions impossible. However, an attempt was made to bring about some lesser reforms, in regard to some of which controversies also arose. When the French delegate proposed that the smoking of opium in shops be prohibited to women, the Chinese objected in the name of equal rights. Upon being asked the reason for this discrimination, the French delegate said that "women might smoke at home, but not in divans used by men."[3] He later withdrew the proposal. A proposal was also made that the powers undertake the obligation to carry on anti-opium propaganda, showing the dangers

[1] *Cf.* p. 65. Also C. O. P. 25, November 6, 1924.

[2] *Minutes*, 11th Meeting. [3] *Minutes*, 12th Meeting.

of the habit. This proposal was opposed by Mr. Campbell, the representative of India, on the ground that in the Orient propaganda did more harm than good. Dr. Sze said that China could not be included in Mr. Campbell's statement. When the representative of India again protested against the propagandist measure, Dr. Sze suggested that the propaganda should be obligatory in all the countries, "except in India." He also asked if China could conduct propaganda among the Chinese smokers in Burma. Campbell replied that this request could be granted only upon the basis of reciprocity. To which Dr. Sze answered that China would welcome missionaries from Burma to preach the evils of opium. As a result of the attitude of India, a proviso was inserted to the effect that the Governments should use their utmost efforts to discourage the practice of smoking by instruction, etc., "unless the Governments consider it to be undesirable under conditions existing in their territories."

### Transit of Opium

A more serious controversy arose over the question of the transit of opium.[1] Japan contended that third states should permit the freedom of transit if the opium is accompanied by a certificate from the importing government that it is to be used for legitimate purposes. Such a provision would enable Japan freely to import Persian opium into Formosa via Hongkong. The Japanese delegate intimated that if the British could hold up such shipments, discriminations would be made in favor of opium carried in British ships and coming from India. The British delegate refused to accept the Japanese proposal. Such a certificate might be fraudulent and the opium thus transshipped across Hongkong might be manufactured into morphia to be smuggled from Japan into China. A scandal had occurred in a certain Far Eastern territory several years ago where just such an incident had occurred. The British delegate pointed out that the Barcelona freedom of transit convention did not guarantee freedom of transit for such articles as opium which were the subject of special conventions.[2] The Japanese delegate replied

[1] *Minutes*, 15th and 16th Meetings.

[2] Art. 5, Statute of April 20, 1921, *League of Nations, Treaty Series*, vol. VII, p. 29. In the case of *Grogan* v. *Walker*, 259 U.S. 79, 1921, the Supreme Court declared that the 18th amendment forbade the transit of liquor across the United States.

that this question had become a matter of honor; that if the Japanese Government signed a certificate the British Government should accept it. He objected to referring to the scandal since the officials concerned had been punished. At this point the conference decided to adjourn the discussion of this point for five days, giving Great Britain and Japan an opportunity to reach an agreement. On November 24, such an agreement was effected; freedom of transit was to be guarantied upon presentation of import certificates "which can be accepted as affording sufficient guaranties against the possibilities of illegitimate use."

On November 13, 1924, a draft agreement was submitted to the conference by the British delegate,[1] which was placed in final form together with a protocol on December 5. It contained the following features:

1. The importation, sale and distribution of opium will constitute a State monopoly, except for the retail trade. (Thus opium farms would be abolished.)
2. The sale of opium to minors will be forbidden, while anti-opium propaganda shall be conducted unless "undesirable."
3. The exportation of opium, whether raw or prepared, from a possession or territories which still imports opium for smoking purposes, will be prohibited.
4. The transit through such territory of prepared opium will be prohibited.
5. The transit of raw opium will also be prohibited unless accompanied by certificate from the importing country which can be accepted "as affording sufficient guaranties against the possibility of illegitimate use."
6. The powers agree that they will jointly review the position in regard to smoking, etc.; the first meeting for this purpose will be held in 1929, at the latest.[2]

The protocol, accompanying the agreement, stated that the possibility of introducing a system of licensing depended upon the extent of contraband; therefore it was left to the contracting parties the duty of selecting the moment when circumstances will allow of the adoption of this system.[3] China declined to

[1]C. O. P. 32. [2]C. O. P. 45 (3).

[3]At an early stage in the conference, it was provisionally agreed that the powers should reform their systems of licenses by January 1, 1928, a provision which was omitted from the final protocol.

accept the protocol because the adoption of the licensing system was thus postponed.

The agreement thus failed to make any provision for the suppression of opium smoking which, indeed, the Advisory Committee did not appear to contemplate.[1] Neither did it include the proposal made by the Chinese delegate that fiscal considerations should not prejudice the character of anti-opium measures and that to this end revenues derived from opium should be "wholly devoted to measures for the prevention of the acquiring of the vice of smoking opium, for the humanitarian care and treatment of addicts, for the general social and economic betterment of the classes of the people who are especially addicted."[2]

By December 13, the date fixed for the signature of this agreement, only the representative of India had signed.[3] The British representative stated that he had been instructed to ask for an adjournment in that his Government might examine the proposal of the United States to submit the question to the Second Conference.[4] The French delegate also said he was not in a position to sign. The President thereupon adjourned the conference *sine die.*

## Relation of First to Second Conference

Meanwhile the Second Conference had been convened on November 17. On November 22, the United States reserved the right to bring before the Second Conference anything included on its program. On December 11,—just before the adjournment of the First Conference—the American delegation submitted this motion: "On behalf of the delegation of the United States of America, I hereby present for the consideration of the conference Chap. II of the suggestions of the United States of America, and move that the proposals contained in this chapter

[1]*Cf.* p. 84. [2]*Minutes,* 17th Meeting.

[3]On December 12, it was announced that Mr. Campbell, the Indian delegate, would withdraw from the conferences, to take up his duties with the Greek Refugees Commission. Mr. J. C. Walton was now appointed in addition to Harold Clayton, O. D. C. 14, p. 4.

[4]It is understood that these instructions came from Mr. Chamberlain as a result of a telegram of M. Zahle, the chairman of the Second Conference, to the Council of the League of Nations then meeting in Rome.

be referred by the conference to an appropriate committee for consideration."[1]

Chap. II of these suggestions provided that the imports of raw opium for the purpose of making prepared opium should be reduced by 10% annually for 10 years,—thus doing away with the importation of opium for smoking purposes.

The opium-smoking powers, France, Japan, the Netherlands, Portugal and Great Britain, opposed this motion of the United States on the ground that the Second Conference was incompetent to deal with the question of smoking because that was being considered by the First Conference. The delegate from the Netherlands said that the proposal of the United States would declare "null and void the result reached by another conference." [2] As this was a critical question, a motion was carried to adjourn its decision until the following Tuesday, December 16, 1924. At this latter date, the President of the conference proposed the adjournment of the plenary sessions until January 12 (a proposal which had been made earlier because of the impossibility of finishing up before Christmas) when the American proposal should be the first order of business. Meanwhile the subcommittees should continue at work. This motion was adopted.

## The Cecil Proposal

The Second Conference did not begin work until January 19, 1925, on account of an accident to the Marquess of Salisbury, who had in the interim been appointed chief British delegate. His place was taken by Viscount Cecil. In a lengthy speech before the 19th plenary meeting, Viscount Cecil, after reviewing the different uses of opium, pointed out the grave difficulties created by the smuggling of opium out of China. "The British Government feel very strongly that as long as that amount of opium is being produced . . . to forbid opium smoking in the British Far East Dominions either immediately or in a period of years would merely be to put so much extra profit into the pockets of those who at present are smuggling opium into those territories." The advice of colonial administrators was unanimous upon this point. He then quoted from a document written by Bishop

[1] O. D. C. 66. [2] *Minutes*, 14th Plenary Meeting, December 12, p. 12.

Brent before his departure on December 7 to the United States, entitled "An Appeal to My Colleagues," which criticised the work of the First Conference,[1] but which also stated that some reasonable offer of a cooperative character from neighboring territories which are, in greater or less degree, dependent upon Chinese residents in them for labor, would be an encouragement and a part solution of the problem. "For instance, that they would move *pari passu* with China in the matter of suppression, whether by immediate prohibition or graduated stages, from the moment the Chinese Government was in a position to take effective action. . . . "

Following out this suggestion made by an American representative, Viscount Cecil read this declaration of the British Government:

> 1. His Majesty's Government undertake that opium smoking shall be abolished in the British Far Eastern territories in which such smoking is temporarily authorized within a period of not more than fifteen years from the date on which the effective execution of the measures taken by China to suppress the growth of the opium poppy has reached such a stage as to remove the danger of opium smuggling from China into those territories.

The question whether or not such growth had stopped should be decided by a commission appointed by the Council of the League. When the fifteen-year period should start to run, smoking by new smokers should be forbidden, although temporary measures should take care of existing addicts. Viscount Cecil stated that this plan was regarded as a practical solution by Sir John Jordan, the English assessor on the Advisory Committee, who had been so critical of British opium policy.[2]

Moreover, if any government questioned the good faith of the British Government in making this proposal, Viscount Cecil proposed that a League commission should go to these territories

[1]In order that the full text of this document may be read, it is printed in appendix XI, p. 159. Bishop Brent stopped in London on his way to the United States, following which there was a change in the British delegation and policy.

[2]*Minutes*, 19th Plenary Meeting. The French delegate also said that the French Government would undertake the complete abolition of opium smoking within fifteen years after states bordering on Indo-China had effected a considerable reduction in poppy growing, provided that this reduction be brought about within two years.

where smoking continued to see if the British proposal could be improved upon. The British Government was disposed to carry out whatever measures this commission should recommend. But he wanted again to emphasize that the real question before the conference was not smoking but drug addiction. Delegates of other countries reiterated their belief that smuggling made the adoption of the American proposal impossible. While M. Sugimura, the Japanese delegate, was theoretically in favor of the American plan, he asked for "definite explanations and effective guaranties" as to the methods by which the powers should obtain the radical and complete abolition proposed by the United States within ten years. The American plan was silent as to the system of registration and indefinite as to whether smoking by inveterate addicts should be immediately abolished.[1]

At the 20th meeting, Mr. Porter of the American delegation said, "I rise to ask for the last time for a hearing. . . . It is not our purpose to suggest the methods by which the traffic should be suppressed."[2] All he asked was that the obligations accepted by the powers in the 1912 convention should be carried out. He then moved that the consideration of the American suggestions in regard to smoking be referred to a committee. It was the view of the United States that the conference could decide this question of competence by majority vote. Mr. Porter did not approve of the Cecil declaration. The United States, which had already fulfilled its obligations under the Convention of 1912, had the right to insist that the other Governments should take steps to fulfil theirs, and that they should not by supplementary agreements weaken the Hague convention so as to release themselves directly or indirectly from the fulfillment of these obligations. "To our astonishment we find years after the obligation to suppress the traffic in prepared opium was undertaken that we are asked to give our assent to a proposal that the powers concerned shall not immediately take steps to prevent new

[1]*Cf.* appendix XI, p. 144.

[2]This attitude should be compared with the statement of Dr. Hamilton Wright of the American delegation at the conference of 1912 who said, "It seemed to the American delegation that the conference should not only declare that such and such a thing should be done, but that it should also provide those necessary articles by which the Governments represented would be able to execute any convention arrived at, and to detect any infraction of such a convention." Summary of Minutes, *cited*, p. 64.

recruits entering the ranks of opium smoking, but that such steps shall not be taken until the occurrence of an event as uncertain and as indefinite as the time when homicide, burglary, larceny and smuggling shall cease." The United States was opposed to any commission to ascertain whether the powers shall at some future time undertake to perform obligations which they had promised solemnly to carry out more than ten years before.[1] Mr. Porter continued, "Irrespective of any change in conditions or circumstances since the ratification of the convention, the performance of obligations by the contracting nations falls squarely within the generally accepted prineiple of international as well as municipal law, that nations or individuals, as the case may be, who solemnly undertake in an agreement to perform an obligation are presumed to know, and if necessary to anticipate, any difficulties which, subsequently arising, may stand in the way of the successful accomplishment of the purpose for which the agreement was concluded. This generally aecepted principle needs no argument in its support."[2] However, recognizing the difficulties involved, Mr. Porter was willing to increase the period in which opium imports should stop from 10 to 15 years; likewise, he wished "to leave entirely to the various Governments concerned the question of internal measures to be adopted by them in carrying out the obligation undertaken." Dr. Sze, of China, also objected to the Cecil declaration on the ground that it would convert an absolute into a conditional obligation, thus weakening the 1912 convention. He urged the acceptance of the American proposal, stating that "selfish interests" prevented action. The representative of the Irish Free State also supported the proposition of the United States; he criticised the composition of the Advisory Committee on the ground that it was dominated by opium producing states.[3]

In reply to these statements, Viscount Cecil stated that some regard must be paid to practical considerations. The sole reason for criticising the American proposal was that it could not accom-

[1]It should be pointed out, however, that the 1912 convention entered into force for most of these countries on January 10, 1920. *Cf.* p. 57.

[2]Despite the finality of this statement, it entirely ignores the doctrine in international law of *rebus sic stantibus.* For a summary of opinion as to this doctrine, *cf.* C. G. Fenwick, *International Law,* 1924, p. 344 *ff.*

[3]*Minutes,* 21st Meeting.

plish the end. Instead of answering the arguments in regard to smuggling, the United States had merely charged the powers with disregarding their obligations and with being prompted by financial considerations. "Such a charge can only be regarded as very wounding indeed." England was "deeply hurt." The British proposals were not a fraud, because England was willing to abide by any recommendations of a League commission. The Geneva atmosphere was one in which the parties only desired to reach an agreement, in which there was no idea of a national victory. The reason why the opium conference could not agree was because it had degenerated into a kind of recriminatory rivalry. No power was prepared to submit to domination or to dictation. In important matters, unanimous agreement was necessary.

### "Committee of Sixteen"

By this time the atmosphere had become so tense that the Swedish delegate proposed that discussion of the American proposal be adjourned until Saturday, January 24. While Mr. Porter accepted this proposal, he again served notice that he would not sign an agreement which failed to suppress the traffic. At this stage the issue before the conference was the question of competence. After informal conversations, a compromise was worked out which took the form, at the meeting of January 24, of the following resolution which as adopted reads as follows:

> In suggesting that the First Opium Conference meet in order to take a corresponding decision, identical in its object, and on condition that that corresponding decision be adopted,
>
> The Second Opium Conference,
>
> Decides,
>
> to name 8 delegates representatives of Governments who have not participated in the First Conference, to form a committee with 8 members —designated by the latter.
>
> That committee shall be intrusted with examining the proposals of the United States of America, together with the various suggestions and declarations presented during the recent discussions of the Second Conference. The committee shall present a report to the two conferences on the result of its work with the least possible delay.[1]

[1] *Minutes*, 24th Meeting.

At the 25th plenary meeting, a letter was ready from the President of the First Conference saying that it had accepted the invitation and had appointed the chief delegate of each of the eight delegations of the First Conference to this Joint Committee. The Second Conference elected as its members the representatives of the United States, Brazil, Cuba, Egypt, Finland, Italy, Persia and Poland.

Just after this committee completed its report, the Ameriean delegation withdrew from the conference—on February 6, 1925.[1] At the same time the Chinese delegation withdrew because of the failure of the conference to suppress opium smoking. Notwithstanding this withdrawal, the Committee of Sixteen reported two protocols[2] which, it was hoped, would reduce smoking and stop smuggling in the Far Eastern territories. The first protocol, signed by States at the First Conference, obligated the parties to put an end to smoking within fifteen years after such progress has been made in the suppression of smuggling as to render it no longer an obstruction to their measures. The second protocol provided that the powers should control the production and distribution of raw opium so as to prevent opium smuggling. These laws were to be enacted within five years. Whether this legislation was effective enough to warrant the suppression of smoking was to be decided by a commission appointed by the League of Nations.[3] Having adopted the first protocol, as well as the original agreement, the First Conference came to an end on February 11, 1925.

As a result, therefore, of the American proposal and Viscount Cecil's declaration, the First Conference finally did agree upon a convention which provides for the suppression of smoking when smuggling is sufficiently repressed. This convention was signed by seven powers. China, the power primarily involved in the suppression of smuggling, did not sign, as her representative had withdrawn from the conference.

[1]*Cf.* p. 111. [2]First Report, *Cf.* O. D. C. 102.

[3]For these protocols, *cf.* appendices, XIII, p. 172; XIV, p. 176.

## IX. THE SECOND CONFERENCE: FOR THE LIMITATION OF THE PRODUCTION OF OPIUM AND THE MANUFACTURE OF DRUGS

The Second Conference, composed of members of the League and parties to the Hague Convention of 1912, opened on November 17, 1924, and came to an end on February 19, 1925, after holding 38 plenary meetings, the longest conference in League history. It was attended by representatives of the following 41 governments: Albania, Australia, Belgium, Bolivia, Brazil, British Empire, Bulgaria, Canada, Chile, China, Cuba, Czechoslovakia, Danzig, Denmark, Dominican Republic, Egypt, Finland, France, Germany, Greece, Hungary, India, Irish Free State, Italy, Japan, Luxemburg, Netherlands, Nicaragua, Persia, Poland, Portugal, Rumania, Serb-Croat-Slovene State, Siam, Spain, Sweden, Switzerland, Turkey, United States, Uruguay, and Venezuela. The Russian Government was also invited, but declined to participate in the conference on the ground that "the Soviet Government has obtained results which the conference being held to combat the evil can only contemplate as an object to attain in the distant future." Moreover, the Soviet Government has reached the

> conclusion that, although the alleged aim is to combat the diffusion of narcotic drugs, the various countries are, in point of fact, seeking to promote their commercial interests and to earn business profits for themselves. In these circumstances the Soviet Government considers that it could not usefully attend any meetings or conferences of this kind.[1]

### American Instructions

The American delegation, which was composed of Congressman Stephen G. Porter, Bishop Charles H. Brent, Mrs. Hamilton Wright, and Mr. Edwin L. Neville, was bound by instructions prescribed by the joint resolution of Congress of May 15, 1924. This resolution appropriated $40,000 for the expense of the American delegation, "Provided, That the representatives of the

[1]Letter and memorandum of October 29, 1924, O. D. C. 4.

United States shall sign no agreement which does not fulfill the conditions necessary for the suppression of the habit-forming narcotic drug traffic as set forth in the preamble." These conditions were that the use of opium products for other than medical and scientific purposes should be recognized as an abuse, and that production should be controlled so that there will be no surplus for nonmedical and nonscientific purposes. The resolution as originally introduced into the House by Mr. Porter of the Foreign Affairs Committee and passed on April 7, 1925, contained no provision thus binding the American delegation. This provision was inserted by the Senate on May 5, an amendment which the House accepted two days following.[1]

The agenda of this conference was as follows:

> Consideration of measures which can be taken to carry out the Convention of 1912 with regard to the (1) limitation of the amounts of morphine, heroin, or cocaine and their respective salts to be manufactured; (2) a limitation of the amounts of raw opium and the coca leaf to be imported for that purpose and for other medicinal and scientific purposes; (3) a limitation of the production of raw opium and the coca leaf for export to the amount required for such medicinal and scientific purposes.[2]

## Organization of the Conference

Following out a precedent in regard to general conferences, the League Council had named as chairman of this conference, M. Herluf Zahle, Danish Minister to Berlin.[3] After electing two vice-chairmen, M. Bethancourt of Cuba and Dr. Sze of China, the conference appointed a business committee of eleven members, which together with the chairman and vice-chairmen, examined all questions referred to the conference, as well as communications from private organizations. The conference also set up two general committees, on which every delegation was to be represented. The first committee dealt with questions relative to the limitation of production and export of opium, coca leaves, and drugs. The second committee dealt with amendments to the Hague Convention proposed by the Advisory Committee or any of the delegations.

[1]H. R. 195, 65 *Cong. Record*, 5772, 7822, 8081. [2]O. D. C. 3.
[3]*Official Journal*, October, 1924, p. 1356.

These two general committees set up six subcommittees as follows:

Subcommittee A, of 7 manufacturing and 7 consuming countries to examine the limitation of drug manufacture;

Subcommittee B, of 7 producing and 7 consuming countries to examine the limitation of the production of opium for export;

Subcommittee C, of representatives of the Netherlands, Bolivia, and Persia and of three consuming countries, to examine the limitation of the production of the coca leaf for export;

Subcommittee D, of 15 members selected by the first general committee, to consider the foregoing suggestions from the point of view of the consuming countries;

Subcommittee E, of 15 members selected by the second general committee, to examine suggestions for the control of the international traffic, especially in regard to export, import, transshipment, etc.;

Subcommittee F, of not more than 15 members, being medical, pharmaceutical or statistical experts, selected by the first general committee, to consider the reports made by the Health Committee, etc., on the medical requirements of drugs.[1]

The work of these subcommittees should be based, it was decided, upon the suggestions of the Advisory Committee (and not of the United States). However, the business committee referred certain articles of the American suggestions to these subcommittees.[2]

The conference decided to hold all meetings in public, including the sessions of committees and subcommittees, except when a decision to the contrary is taken.

## Production "for Export"

After various delegations had made declarations of principles and after an opportunity to speak had been given to representatives of various private organizations, actual work on drafting an agreement was begun. While most of this work was done in the subcommittees, the United States, at the 9th plenary session (November 24) presented for the consideration of the conference the suggestion that the manufacture and distribution of heroin should be prohibited.[3] Although this item was not

[1]*First Report of the Business Committee,* O. D. C. 35 (1).

[2]*Second Report of the Business Committee,* O. D. C. 40 (1). [3]O. D. C. 46.

on the agenda, no one raised the question of competence and the proposal was referred to a subcommittee. At the same time, the United States submitted a more important proposal, moving that a plenary session of the conference should be called to consider Art. I of the suggestions of the United States, providing that the parties should enact laws "for the control of the production and distribution of raw opium and coca leaves so that there will be no surplus available for purposes not strictly medical or scientific."[1] At the next plenary meeting, held on November 28, Mr. Harold Clayton, representative of the Indian Government, opposed the American proposal on the ground that the agenda limited the conference to the consideration of measures controlling the production of opium only "for export." But the American proposal would limit it also for domestic uses. According to Mr. Clayton, the conference "is not entitled to deal with the control of raw opium and coca leaves produced for internal consumption." Consequently he moved to rule the American motion out of order. He declared that the conference was bound by the agenda imposed by the convening authority—in this case the Assembly and Council.[2] It was for the President alone to decide whether or not the conference was competent. In reply Mr. Porter said that "there is nothing peculiarly sacred about an agenda." He argued that the Assembly resolution was merely by way of description and not of limitation, a resolution which should be "considered a means of giving

[1]O. D. C. 47.

[2]Secretary of State Charles E. Hughes, as chairman of the Central American Conference of 1922–23, ruled on a similar point, "When nations are invited as sovereign powers to engage in a conference, of course no nation can be bound without its consent. Unanimity is a part of the consequences of the status of States in international law. They must consent. Now, it is usual, therefore, when a conference is called, for the Government calling the conference to propose the questions to be discussed, because if those invited do not want to discuss the questions, then, of course, they will refuse. It is always usual, when a conference is called, to interchange some views as to what is to be discussed, because no power desires—and I am not now speaking of the Central American powers especially, but all powers—no power wishes to be put in a position where it will be compelled to discuss something that it does not want to discuss. . . ." *Conference on Central American Affairs*, Washington, December 4, 1922–February 7, 1923, Government Printing Office, p. 80.

However, the Assembly of the League of Nations has modified this rigid rule. Apparently by a majority, it may add an item to the agenda upon certain notice. Rule 4. *Rules of Procedure of the Assembly* (C. 356. M. 158. 1923. V).

effect to the principles submitted by the representatives of the United States." But Mr. Campbell, of India, declared that these principles are merely the interpretation of the United States of the Convention of 1912, which it cannot force upon other Governments. India proposed that differences in interpretation be referred to the World Court. He then reviewed the history of the fifth session of the Advisory Committee, where the United States stated in a letter in regard to the reservation made by India, "It may be stated that the internal affairs of other nations are their own concern, and there is no desire to indicate what particular measures should be adopted in any country to deal with the opium traffic. It is none the less certain, however, that it would be most unwise, and would, moreover, open the door to a dcmand for international approval of many undesirable practices to admit that the domestic usages of any particular States are legitimate under the convention. It amounts to a demand for special privilege, which would not seem to be in accord with the usually accepted usages of international relations. . . . It would seem quite undesirable to pass upon the legitimacy of the production of raw opium for use according to the established usages of India." At that time India had demanded that this letter be withdrawn and that its reservation be recognized before it would continue negotiations, as a result of which Mr. Porter agreed to withdraw the letter. Consequently, Mr. Campbell then declared that the United States had accepted the position of India and that the conference could not discuss the "established usages of India."[1] He also said, that "The Indian delegates have no instructions on any subject outside the program of the conference as accepted formally by the conference itself. . . . They will not discuss any proposals which are outside that program; they will sign no convention which contains provisions not falling within that program; and, should it be decided that the conference is not limited by its imposed and accepted agenda, the Indian delegation considers that it will be extremely difficult, and may be impossible, for it to consider to attend the conference." Bishop Brent of the American delegation declared, "We cannot compromise with a curse. The timid voice of bureaucracy and the plans to protect business

[1]*Cf. Minutes of the Tenth Session*, passim.

interests must be dismissed as false guides. . . . Free discussion will not be impeded or honest proposals not sidetracked by legalism and technicalities." Mr. Campbell replied that Bishop Brent was ungenerous. "The Government of India have formally declared that their opium policy is not actuated by financial and economic motives." An adjournment was now taken so that the delegates could make up their minds whether the conference was competent to pass upon the proposals of the United States.

The next plenary meeting was held three days later—on December 1, 1924. At this session, Sir Malcolm Delevingne, the representative of the British Empire, came to the aid of India by declaring that the agenda of a conference of plenipotentiaries could be enlarged only with the consent of the Governments, and in this case of the Council of the League. Moreover, should the American proposals be adopted, the semi-medicinal use of opium in India and Persia and the eating of the coca leaf in Bolivia would have to be prohibited. Did the United States mean to go this far? The League organizations had purposely avoided this problem by confining themselves to the limitation of production for export.

M. Sugimura, the Japanese delegate, on the other hand, pointed out that if the conference could enlarge the agenda by the inclusion of heroin it could also adopt the second proposal of the United States.[1]

In reply to these protests, Mr. Porter said at the 12th plenary meeting, "We have not the slightest intention . . . of interfering in any manner, shape or form with the internal affairs of any country. . . ." As for the situation in Persia, "There is no reason why this conference cannot reach an agreement and allow these three or four nations that do not feel that they can agree with the principle laid down by the League of Nations, to make reservations. Then we can all be good and neighbourly and try to help them solve their problems."

[1]*Minutes*, 11th Plenary Meeting.

### American Victory

At this point, the chairman ruled that questions of competence must be decided by a majority. The vote on the American proposal was then taken, 26 voting in favor of referring it to a committee, 1 vote (India) against, while there were 9 abstentions —Australia, Bolivia, British Empire, France, Greece, Netherlands, Portugal, Serb-Croat-Slovene State and Turkey—which included the opium-producing countries, with the exception of Persia who voted for the motion. Thus the conference ruled that it was competent to consider the American proposal. After the vote was taken, Mr. Campbell of India stated that he had received instructions to reserve the right of India to raise the question before the League Assembly. He also asked that the discussion of the American proposal, which had now been admitted to the Conference, should be postponed until he had received instructions. At the 13th plenary meeting, on December 8, the Indian representatives recorded a protest against the conference "discussing any question not specifically covered by the terms of the conference's accepted agenda, with the exception of Art. I which had already been decided." On the 12th, Mr. Campbell, the Indian delegate, withdrew from the conference, the new representative being J. C. Walton, in addition to Harold Clayton.

### Production as a Domestic Question

At the 13th plenary meeting, the British delegate proposed that the conference end by December 20[1]—a proposal interpreted by some delegates as an attempt to rush matters. As a substitute, Japan proposed adjournment over Christmas. Meanwhile the controversy over the question of smoking arose, already discussed. When the conference convened on January 19—it having adjourned on December 16,—the question of smoking still held the stage. Nevertheless in his speech of the 19th, Viscount Cecil, who had taken the place of Sir Malcolm Delevingne as head of the British delegation,[2] discussed the four uses of opium. The use of drugs was the main problem before the conference,—the practice which was most injurious to the world.

[1]O. D. C. 60.

[2]The French government also sent M. Daladier, the Colonial Minister, while the Dutch government sent M. Loudon.

Eating opium was purely "a domestic question in India" . . . , not a matter for international action at all, which would be a dangerous precedent and which "might well bring all international action into disrepute as an intolerable interference with national sovereignty."[1] On the other hand, exports and imports were international. It was the British representative who inserted the opium provisions in the treaty of Versailles and who suggested, at the Advisory Committee, that these conferences be called. He had seen figures (apparently taken from the report made to the United States Treasury in the United States), to the effect that the per capita consumption of drugs in the United States was greater than in India. In his reply to Viscount Cecil, Mr. Porter of the American delegation was extremely critical of this reference to consumption in the United States. "If he [Viscount Cecil] can utter a greater slander against a great people than that I would like to know what it is." After explaining that these statistics had been disavowed, he again stated that this "was a vile slander upon the people of the United States." Viscount Cecil here rose to reply. But Mr. Porter said, "Let me go a step farther: you will have plenty of time to reply." Viscount Cecil: "I was only going to withdraw my statement." Then Mr. Porter proceeded to say, "It seems quite strange to me that that statement, that vile reflection upon the morals of the people of the United States, should have been repeated in this conference, which many of us hope to see some day the Parliament of the World."[2]

[1]On March 19, 1920, a majority of the United States Senate voted in favor of a reservation to the treaty of Versailles, to the effect that the United States "declares that all domestic and political questions relating wholly or in part to its internal affairs, including . . . the suppression of traffic . . . in opium and other dangerous drugs . . . are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the Council or of the Assembly of the League of Nations, or any agency thereof, or to the decision or recommendation of any other power." 59 *Cong. Record*, pt. 5, 4599; also World Peace Foundation, *League of Nations*, vol. III, no. 4, p. 197.

[2]In *Current History*, February, 1925, Frederic A. Wallis, Commissioner of Correction, also states that the consumption of opium in the United States is 36 grains per capita, compared with three grains for England, etc.; *cf.* his article, "The Menace of the Drug Addict." In *Current History*, March, 1925, p. 971, Mr. Wallis defends the use of these figures, saying that in view of smuggling into the United States "it would appear to me that the consumption would be much larger than the Government officially gave as thirty-six grains."

## Obstacles to Limitation of Production

While the plenary meetings of the conference were taken up almost entirely with the question of smoking, the subcommittees had been working on the problem of limiting the production of raw opium and coca leaves and manufacture of drugs. The Indian attitude has already been stated. While it was willing to limit the amount of opium produced for export, the Indian Government declined to enter a convention which would oblige it to stop the production of opium for internal purposes. In the subcommittees and later in the plenary meetings, the Turkish delegate stated that Turkey was not prepared to limit production without assurances that other resources for her peasants would be substituted. Similarly the delegate of the Serb-Croat-Slovene State stated that many peasants depended upon opium for a livelihood; that other crops could not be substituted on account of the soil. There was no abuse of opium in Serbia; it was manufactured into products for medicinal and scientific purposes. The Government, however, was prepared to give an undertaking not to exceed the minimum which is at present produced.[1]

The attitude of Serbia toward limitation was stated after the conference, by the *Belgrader Zeitung* as follows:[2]

> The delegates who represented our country at the Opium Conference have returned to Belgrad. They had a hard fight in defending our point of view concerning the suppression of the production of opium, which would be a real economic disaster for southern Serbia.
>
> In spite of very active opposition from some parts, the United States in particular, our delegation succeeded in having their point of view adopted at the conference. It was decided that each country should control its own production, and that it could authorize its exportation only to the countries permitting its importation. In this way, the interests of our producers are safeguarded; it is even possible that under state control our production may increase.
>
> The result of this conference has been to encourage some of the enterprises in our country that are interested in our opium industry. Some

[1] *Cf.* O. D. C. 64; and *Minutes*, 27th Meeting, February 7, 1925.

[2] "The Opium Question," (translation) *Belgrader Zeitung*, February 27, 1925.

of them have already sent to the minister of commerce, prospects for installing factories for the manufacture of opium.

It is very possible that in the future a larger part of our opium will not be exported any more, but be transformed here into morphine, cocaine, etc. Some foreign parties are very much interested in the building of a factory here for the making of alkaloids. M. Chourmine, minister of commerce, has said that he had decided to give large concessions to favor the development of the production of opium.

Persia as a producing state was prepared to accept the American proposal to limit production for medicinal and scientific purposes, within ten years, provided the outside world loaned Persia ten million tomans, not to exceed 5% a year, and subject to no interest charges for the first five years. Moreover, during a transition period, foreign governments having claims against Persia should grant a moratorium, while existing restrictions on Persia's liberty of action in tariff questions should be removed. In its memorandum, the Persian Government said, "There is no industry in the country to absorb these workers in the event of suppression or serious curtailment of the opium trade, nor can the proprietors or peasants, at the present time, substitute other crops for opium without serious handicap and loss." An adverse trade balance already existed, which the diminution of the opium trade would still further increase. "Unless equally remunerative outlets are provided for the capital and labor of the opium trade, the Government will have to face the opposition, in any program of restriction, of the merchants and traders who exercise, through the Chamber of Commerce, great influence in all the bazaars of the country, of the clergy of the opium growing provinces, who have a political and religious power difficult of comprehension to the modern occidental mind, and of the land owners, who absolutely control in such matters the action of the peasants, and who, furthermore, in a parliament composed mainly of land proprietors, or their avowed representatives, frequently exercise a decisive power in legislation."[1] Greece, another producer of opium, was prepared to accept the proposal of the United States, but only when all the great producing countries had adhered without any

[1]*Memorandum on Persian Opium,* O. D. C. 24. One suspects that this able memorandum was drawn up by the American Financial Adviser to Persia, Dr. A. C. Millspaugh.

reservation. China, a country which produced about 80% of the opium of the world, had given "assurances" at the First Conference that opium production would stop when a stable government was established. The Netherlands declared that Java could not limit growing of coca shrubs, since they were used by natives as hedges, the leaves of which are never consumed or exported.[1] In Peru and Bolivia, the coca leaf grew wild. Subcommittee "C" came to the conclusion that the limitation of the production of coca leaves to the amount necessary for medicinal and scientific purposes was impossible, as it would imply the absolute prohibition of the harmless consumption of coca leaves in several South American states. Moreover, the subcommittee believed that the limitation of production for export purposes in South America was not feasible as no distinction existed between the production for domestic consumption and for export purposes. The Netherlands on the other hand consented to agree to this type of control, provided it was assumed by other powers.[2]

In the subcommittee dealing with this proposal of the United States, these different considerations had now led to a deadlock. No state was willing to accept the proposals of the United States without reservation. The delegate of the United States, recognizing the serious economic condition which would result in some countries as a result of the suppression of poppy production, had proposed that a commission should visit Persia, Turkey, the Serb-Croat-Slovene State, Greece and Egypt to make a careful study of these problems, with a view to the possibility of substituting other crops for opium, etc. The subcommittee had also recommended that a commission appointed by the League Council should investigate the situation in Persia, especially in regard to the guaranties which Persia could offer for a proposed loan.[3]

[1]*Minutes*, 11th Plenary Meeting, December 1, 1924.

[2]Provisional Report, O. D. C. 75.

[3]*Cf.* Second Report of Subcommittee "B," O. D. C. 74. Greece and the Serb-Croat-Slovene State declared after the withdrawal of the United States that they had agreed to these commissions only to please the United States. *Minutes*, 35th Plenary Meeting, February 16, 1925. Consequently, the final provision in regard to these commissions was greatly weakened, *cf.* p. 117.

## Withdrawal of United States

The position of the United States on the subcommittee was that its proposal in regard to the limitation of production should be accepted by the powers "in principle," and that each government should be allowed to make reservations. Having accepted the main proposal in principle, these commissions of inquiry could proceed to their investigation. However, only two countries—China and Egypt—accepted this proposal unconditionally. At this point, the representative of India proposed an amendment to the effect that the contracting parties shall enact measures to prevent any export of raw opium not specifically mentioned by the convention. This proposal was accepted unconditionally by three delegates, India, Greece and the Serb-Croat-Slovene State, while Turkey and Persia made reservations. But the delegate of the United States declared that it was unable to accept any amendment of its original proposal.[1] The committee was therefore unable to bring about an agreement, which was one of the causes for the withdrawal of the United States from the conference on February 6, 1925. The reasons given for this withdrawal were that there was little likelihood that the production of raw opium would be limited to the medicinal and scientific uses of the world or that the smoking of opium would be suppressed within a definite period.[2]

Upon presenting the American letter to the conference, the President said, "We are now within sight of port, and I hope we are still going to enter that port with our flag flying. But at this very moment one of our collaborators, one of the most energetic of them, has left us. . . ." At the same time, the Chinese delegation withdrew over the question of smoking.

M. Loudon, the delegate from the Netherlands, said,[3]

> A continuation of this cooperation till the last moment would have been possible if a misunderstanding had not arisen two years ago at the fifth session of the Advisory Committee on Opium between the United States of America and ourselves with regard to the Opium Conferences. This misunderstanding still continues to exist. . . . According to the

[1] *Cf.* Supplementary Report of Subcommittee "B," O. D. C. 99, February 4, 1925.

[2] For the Memorandum of the United States, *cf.* appendix XII, p. 166.

[3] *Minutes*, 26th Meeting, February 7, 1925.

American interpretation, the task of this conference was to cover the three first chapters of the Convention of 1912, that is to say, the question of raw opium, of prepared opium and of drugs. The American Government evidently had not taken note of the reservations which were formulated in 1923 with regard to the first resolution of the Advisory Committee by India as regards raw opium and by the powers which will allow the use of opium for smoking as regards the prepared product. These reservations were precisely intended to show that the American principles were not acceptable by the powers as regards Chaps. I and II. Our conference could not in practice apply the American principles except to Chap. III, and to Chap. I so far as it refers to Chap. III, in particular as regards drugs. Nevertheless, the instructions given to Mr. Porter involved the application of these principles to all three chapters. The reservation made by India was entirely ignored. . . . The impossibility of reaching an agreement was still further emphasized by the fact that the American delegation was bound by rigid instructions which made any elasticity impossible.[1] I think it is desirable to point out, in view of further meetings of the same sort which may be held at Geneva, that an international conference presupposes the possibility of reciprocal concessions and of true and real exchanges of opinion, and of goodwill on both sides, and such a conference is doomed to failure if any one of the parties has imperative orders to impose its will upon the others under pain of leaving the conference. Due regard to possible divergencies of view and to the force of the argument which may be advanced by the other side must be made.

If these discussions have been rendered more difficult and even superfluous the reason is that Mr. Porter never took the pains to explain his own point of view and even to reply to the arguments of his opponents.

Mr. Porter had insisted that limitation of production was necessary to stop the illicit traffic in drugs, yet he had denied that limitation of production in China was necessary to suppress smoking in the Far East.

. . . Any impartial and intelligent person who considers this matter with a full knowledge of the facts must acknowledge that in the matter with which we are concerned conciliation has always been the dominant note of the whole conference, with the solitary exception of the party which has withdrawn.

Viscount Cecil also lamented the withdrawal of the United States before any definite decision as to the control of production had been taken one way or another, and especially since effective

[1] *Cf.* p. 100.

steps were being taken to control the manufacture and trade in drugs, which was the chief problem before the world.

Undaunted by the withdrawal of the United States, the conference now proceeded to examine the reports of the different subcommittees. As a result of that withdrawal, no proposal to amend Art. I of the Convention of 1912 was before the conference. Nevertheless, the delegations proceeded to discuss the limitation of production. The Italian delegate proposed that the American proposal should be accepted, on the understanding that each State should be allowed to make reservations. Viscount Cecil doubted the advisability of this procedure on the ground that "You cannot sign and ratify a convention and make reserves unless all the other parties to the convention agree to aecept those reserves, and if any single country refused to accept a reserve it would make it impossible for the State to sign the convention in that form." At his suggestion the discussion was adjourned to give the delegates time to work out a plan which would satisfy the American proposal and yet not interfere with the strictly internal uses of opium.

Before this suggestion was made, however, the delegates of Turkey, the Serb-Croat-Slovene State and Greece pointed out the reservations they would be obliged to make in regard to any proposal for the limitation of production. Mr. Walton, for India, stated that India was willing to control production "for export," but that the unamended American proposal would "set up a principle of interference in matters of purely domestic concern." Egypt, however, objected to India's proposal in regard to exports on the ground that "unless there is a restriction of production, this export will continue." At this juncture, the French delegate proposed merely to maintain the original 1912 convention, in addition to the protocols just adopted for the prevention of smuggling. But Viscount Cecil objected to this suggestion on the ground that it would do away altogether with the idea of limiting production to medicinal and scientific purposes. He said that this principle could be aceepted and internal practices safeguarded, either by limiting production "for export," or by accepting the principle, subject to a declaration in regard to domestic affairs. It was finally decided to refer the matter to a subcommittee.[1]

[1]On February 10, 1925, the Finnish delegate introduced a resolution that "whereas unfortunate political conditions in China are due to the unlicensed importation of

This body reported in favor of the adoption of the American proposal to limit production to medicinal and scientific purposes, subject to this provision,

> Further, any contracting party may declare at the time of its signature of or accession to the present convention the limitations subject to which it accepts this article as regards the production and distribution of raw opium. If such a declaration be made the contracting parties agree that this article shall only apply in the case of the contracting party making the declaration subject to the limitations contained in that declaration.

Subject to this amendment, the American proposal was adopted by 19 votes in favor, none against and 9 abstentions, including two producing countries—Egypt and Persia.[1] It was then sent to the drafting committee.

## Failure to Limit Production

On February 12, a French delegate, M. Kircher, declared that the conference had adopted the American proposal under the "beautiful impulse of enthusiasm," but subject to a declaration which defeated the principle involved. A paradoxical situation had thus been created. It would be better, in his opinion, to return simply to the Convention of 1912. Sir Malcolm Delevingne opposed this proposal of France; while the Swedish, Australian and Canadian delegates also protested. It was declared that acceptance of the American proposal to limit production to medicinal and scientific purposes even with reservations was better than the return to the vague provisions of the 1912 convention which did not recognize this new principle. However, the conference by 17 votes adopted the French proposal, upon the first reading of the convention. The last attempt to accept the American proposal thus failed.

The remaining sessions of the conference were devoted to a

arms," and since this condition was responsible for the unrestricted production of opium, the Second Conference should recommend to the Council that the forthcoming Conference on the Arms Traffic should consider this subject as it existed in the Far East, O. D. C. 108. In discussing this resolution, Viscount Cecil said that in some cases provincial authorities had compelled people to grow poppies in order to pay for arms. The Finnish resolution was adjourned and finally withdrawn because it would introduce an extraneous question into the conference.

[1] *Minutes*, 29th Plenary Meeting, February 10, 1925.

discussion of the draft convention, primarily in regard to the provisions on the control of drugs, the question whether heroin and Indian hemp should be included in the convention, and the composition and powers of the international narcotic board. The provisions of the convention in regard to these and other matters will be discussed in the next chapter.

The last session of the conference was held on February 19. In his closing address, the President of the conference declared, "The Opium Conference, I say unhesitatingly, has been the most difficult conference in the history of the League of Nations. . . . Superficially simple as the problem of drugs appears to the uninitiated, it is in fact so many-sided, involves so many totally unexpected angles and reaches so deep into the habits of peoples and the practice of governments as to be almost hopelessly baffling." After reviewing the principles of the new convention he said, "The Conference has not solved these problems; it has not removed the world's drug evil. . . . Yet it has struck a powerful blow." He also added, "I feel confident the convention would have been an even better one if the [American] delegation had remained to the end. . . . Let me again reaffirm my conviction that the drug question has entered upon a new period. It is now caught in the day-to-day machinery of the League of Nations. It cannot escape. Where the Hague Conference adjourned without leaving behind it either organization or permanent machinery, this present conference is but the opening step in a movement which will accelerate from day to day and from month to month."[1]

[1]*Minutes*, 38th Plenary Meeting. *Cf.* the closing remarks of Bishop Brent, as chairman of the 1912 conference: "When men come to the end of a definite task, as in our case, they are instinctively moved to measure the degree of achievement attained, by the standard which they set themselves at the inception of their labors. It is seldom that they have the good fortune to find that accomplishment has outrun expectation. The common experience of human endeavor is to fall short of the full purpose. . . . When the smoke of discussion has cleared away, I doubt not that he who now feels least satisfied with the result of the conference will find that we have taken a real step in advance." *Procès-verbaux, cited*, p. 244.

## X. THE GENEVA AGREEMENTS OF 1925

As a result of the two Opium Conferences of 1924–25, two agreements, two protocols and eight resolutions were adopted. The agreement in regard to smoking is "supplementary" to the Convention of 1912; while the main convention, which aims to "complete and strengthen its provisions," replaces Arts. I, III and V of the 1912 Convention.[1] The agreement in regard to smoking comes into effect upon ratification by two powers, while the main convention enters into force upon ratification of ten powers, including seven of the States by which the Central Board is appointed.

The final act of the Second Conference was signed by 17 Governments at the close of the conference, but the convention remains open for signature until September 30, 1925, and additional signatures are being added.[2] However, such important drug-producing countries as Turkey, India, the Serb-Croat-Slovene State and China had not signed the convention up to April 3, 1925, at which time 18 states had signed it. There were 21 signatures to the final act.

As far as subject matter is concerned, the Convention of 1925 constitutes an improvement over the original convention. The technical definitions of the products involved are made more precise, while the convention is extended to preparations of Indian hemp (hashish), a drug with which Egypt is particularly afflicted.[3] Moreover, when the Health Committee of the League informs the Council that any drug not covered by the convention is liable to abuse, the latter body may recommend that the convention should be extended to cover such a drug.[4] On the other hand, efforts of the United States and Poland to place under the convention codeine—a derivative of morphine in the manufacture of which large amounts of raw opium are used—failed,[5]

[1]Thus the provisions affecting China remain intact. *Cf.* Art. 31.

[2]Up to April 3 the additional signatures were: E. Buero for Uruguay on March 2; M. P. Penambuco for Brazil on March 4; M. Veverka for Czechoslovakia, March 16; Michael MacWhite for Irish Free State, April 3, 1925.

[3]*Memorandum on Hashish,* O. D. C. 38.

[4]*Cf.* Art. 10.

[5]*Cf. Minority Report by Surgeon-General Blue,* Subcommittee "F," O. D. C. 73; also the Polish proposals, O. D. C. 62.

as did also the attempt to prohibit altogether the manufacture and use of heroin.

From the standpoint of internal control of the production of raw opium, the new convention marks very little progress over the old. It merely provides for the periodic review of the laws enacted in accordance with either convention. A resolution (No. V) also provides that the Council of the League should be asked to examine the suggestion in regard to commissions to visit opium-producing countries to study the difficulties connected with the limitation of production.

### Suppression of Smoking

Considerable steps are taken, however, toward the eventual suppression of opium-smoking. While the agreement of February 11, 1925, provides for certain minor reforms, such as the abolition of opium farms and smoking by minors, the protocols provide for the complete suppression of opium smoking within 15 years after the poppy-growing countries have executed measures to prevent the smuggling of raw opium from constituting a "serious obstacle" to the suppression of smoking. The poppy-growing countries also undertake to suppress smuggling within five years. A commission appointed by the League Council is to determine whether these measures are effective.

The most practical gains of the 1925 agreement relate to the international control over the drug traffic—a control which takes two main forms. First, the export certificate—a separate authorization being required for each shipment—is now embodied for the first time in an international agreement. By this means it is hoped to make general a practice which had hitherto been adopted by a certain number of Governments.[1] Free ports are also to be supervised so as to prevent illicit traffic.

### Permanent Central Board

Second, a Permanent Central Board of eight qualified persons is to be appointed by the Council of the League. The United States (as well as Germany) shall be invited to nominate a "person to participate in these appointments,"—an important provision

[1] *Cf.* Provisional Report of Subcommittee "E," O. D. C. 78.

envisaging a future method of cooperation of the United States with the League in other directions. Once a year the parties to the convention agree to send to this board statistics relative to the production and consumption of opium and drugs; while every three months they will submit import and export statistics. Unlike the proposal of the Advisory Committee, the Governments are not directly obliged to state their import requirements "for medical and scientific purposes." If the board believes that there is a danger of a country becoming the center of illicit traffic, it may ask for explanations, through the Secretary-General of the League. If no satisfactory explanation is given, the board may call the attention of the other States and of the League Council to the matter; and may recommend that no further exports be made to such a country until the board reports that the situation is satisfactory. The suggestion of the Advisory Committee that if no country furnished an estimate of its import requirements for medical and scientific purposes, the board might fix the amounts to be exported to such a country, was rejected by a subcommittee of the conference, which "could not agree to any such limitation of the sovereign powers of a State. . . . It should be left to each country to control its internal consumption."[1] The only power of the present board, therefore, is the power of advice, a power which is limited to the matter of exports and not to the production and use of drugs for illegitimate purposes. The board finally provided for is, consequently, considerably weaker than the board contemplated by the Advisory Committee or the American delegation.

Not the least important provision of the convention is that which provides for the settlement of disputes arising out of the interpretation or application of the convention. Following the precedent established in the Freedom of Transit treaties,[2] the Opium Convention provides that before resorting to arbitration, the parties shall submit their dispute for an advisory opinion to such technical body as the Council may appoint (which will probably be the Advisory Committee on Opium). If not thus settled, the dispute may be placed by either party before the Permanent Court of International Justice, "unless a settlement

[1]Report of Subcommittee "D," O. D. C. 77, p. 3.

[2]Art. 13, Convention of April 20, 1921, *cited*, Treaty Series No. 171.

is attained by way of arbitration or otherwise by application of some existing convention or in virtue of an arrangement specially concluded."[1] Under such a provision, it would appear that the American contention that the convention obligates India to prohibit production of opium for eating purposes would be decided by the Court, a method of settlement which the Indian Government had previously suggested.[2]

[1]Art. 32. It would appear that the "otherwise" clause was inserted to cover the case of the United States, which has not adhered to the Court.

[2]*Cf.* p. 104.

# APPENDIX I

## INTERNATIONAL OPIUM CONVENTION[1]

### Signed at The Hague, January 23, 1912

His Majesty the German Emperor, King of Prussia, in the name of the German Empire; the President of the United States of America; His Majesty the Emperor of China; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of Italy; His Majesty the Emperor of Japan; Her Majesty the Queen of the Netherlands; His Imperial Majesty the Shah of Persia; the President of the Portuguese Republic; His Majesty the Emperor of All the Russias; His Majesty the King of Siam,

Desirous of advancing a step further on the road opened by the International Commission of Shanghai of 1909;

Determined to bring about the gradual suppression of the abuse of opium, morphine and cocaine, as also of the drugs prepared or derived from these substances, which give rise or might give rise to similar abuses;

Taking into consideration the necessity and the mutual advantage of an international agreement on this point;

Convinced that in this humanitarian endeavor they will meet with the unanimous adherence of all the States concerned:

Have decided to conclude a convention with this object, and have appointed as their plenipotentiaries:

[Here follow names.]

Who, after having deposited their full powers, found in good and due form, have agreed as follows:

### Chapter I. *Raw Opium*

*Definition.*—By "raw opium" is understood:

The spontaneously coagulated juice obtained from the capsules of the Papaver somniferum, which has only been submitted to the necessary manipulations for packing and transport.

Art. 1. The contracting powers shall enact effective laws or regulations for the control of the production and distribution of raw opium, unless laws or regulations on the subject are already in existence.

[1]Reprinted from O. C. 1 (1), 1923. English text as printed in U. S. Treaty Series, No. 612, *Treaties, Conventions, etc.*, III, p. 3025, is an alternative translation.

Art. 2. Due regard being had to the differences in their commercial conditions, the contracting powers shall limit the number of towns, ports, or other localities through which the export or import of raw opium shall be permitted.

Art. 3. The contracting powers shall take measures:

(*a*) To prevent the export of raw opium to countries which shall have prohibited its entry, and

(*b*) To control the export of raw opium to countries which restrict its import, unless regulations on the subject are already in existence.

Art. 4. The contracting powers shall make regulations requiring that every package containing raw opium intended for export shall be marked in such a way as to indicate its contents, provided that the consignment exceeds five kilograms.

Art. 5. The contracting powers shall not allow the import and export of raw opium except by duly authorized persons.

## Chapter II. *Prepared Opium*

*Definition.*—By "prepared opium" is understood:

The product of raw opium, obtained, by a series of special operations, especially by dissolving, boiling, roasting, and fermentation, designed to transform it into an extract suitable for consumption.

Prepared opium includes dross and all other residues remaining when opium has been smoked.

Art. 6. The contracting powers shall take measures for the gradual and effective suppression of the manufacture of, internal trade in, and use of, prepared opium, with due regard to the varying circumstances of each country concerned, unless regulations on the subject are already in existence.

Art. 7. The contracting powers shall prohibit the import and export of prepared opium; those powers, however, which are not yet ready to prohibit immediately the export of prepared opium shall prohibit it as soon as possible.

Art. 8. The contracting powers which are not yet ready to prohibit immediately the export of prepared opium:

(*a*) Shall restrict the number of towns, ports, or other localities through which prepared opium may be exported;

(*b*) Shall prohibit the export of prepared opium to countries which now forbid, or which may hercafter forbid, the import thereof;

(*c*) Shall, in the meanwhile, prohibit the consignment of prepared opium to a country which desires to restrict its entry, unless the exporter complies with the regulations of the importing country;

(*d*) Shall take measures to insure that every package exported, containing prepared opium, bears a special mark indicating the nature of its contents;

(*e*) Shall not permit the export of prepared opium except by specially authorized persons.

## Chapter III. *Medicinal Opium, Morphine, Cocaine, etc.*

*Definitions.*—By "medicinal opium" is understood:

Raw opium which has been heated to 60° Centigrade and contains not less than 10% of morphine, whether or not it be powdered or granulated or mixed with indifferent materials.

By "morphine" is understood:

The principal alkaloid of opium, having the chemical formula $C_{17}H_{19}NO_3$.

By "cocaine" is understood:

The principal alkaloid of the leaves of Erythroxylum coca, having the formula $C_{17}H_{21}NO_4$.

By "heroin" is understood:

Diacetyl-morphine, having the formula $C_{21}H_{23}NO_5$.

Art. 9. The contracting powers shall enact pharmacy laws or regulations to limit exclusively to medical and legitimate purposes the manufacture, sale, and use of morphine, cocaine, and their respective salts unless laws or regulations on the subject are already in existence. They shall cooperate with one another to prevent the use of these drugs for any other purpose.

Art. 10. The contracting powers shall use their best endeavors to control, or to cause to be controlled, all persons manufacturing, importing, selling, distributing, and exporting morphine, cocaine, and their respective salts, as well as the buildings in which these persons carry on such industry or trade.

With this object, the contracting parties shall use their best endeavors to adopt, or cause to be adopted, the following measures, unless regulations on the subject are already in existence:

(*a*) To confine the manufacture of morphine, cocaine, and their respective salts to those establishments and premises alone which have been licensed for the purpose, or to obtain information respecting the establishments and premises in which these drugs are manufactured and to keep a register of them;

(*b*) To require that all persons engaged in the manufacture, import, sale, distribution, or export of morphine, cocaine, and their respective salts shall be furnished with a license or permit to engage

in these operations, or shall make to the competent authorities an official declaration that they are so engaged;

(*c*) To require that such persons shall enter in their books the quantities manufactured, imports, sales, and all other distribution, and exports of morphine, cocaine, and their respective salts. This rule shall not necessarily apply to medical prescriptions and to sales by duly authorized chemists.

Art. 11. The contracting powers shall take measures to prohibit, as regards their internal trade, the delivery of morphine, cocaine, and their respective salts to any unauthorized persons, unless regulations on the subject are already in existence.

Art. 12. Due regard being had to the differences in their conditions, the contracting powers shall use their best endeavors to restrict to authorized persons the import of morphine, cocaine, and their respective salts.

Art. 13. The contracting powers shall use their best endeavors to adopt, or cause to be adopted, measures to insure that morphine, cocaine, and their respective salts shall not be exported from their countries, possessions, colonies, and leased territories to the countries, possessions, colonies, and leased territories of the other contracting powers except when consigned to persons furnished with the licenses or permits provided for by the laws or regulations of the importing country.

With this object each Government may communicate from time to time to the Governments of the exporting countries lists of the persons to whom licenses or permits for the import of morphine, cocaine, and their respective salts have been granted.

Art. 14. The contracting powers shall apply the laws and regulations respecting the manufacture, import, sale, or export of morphine, cocaine, and their respective salts:

(*a*) To medicinal opium;

(*b*) To all preparations (officinal and non-officinal, including the so-called anti-opium remedies) containing more than 0.2% of morphine, or more than 0.1% of cocaine;

(*c*) To heroin, its salts and preparations containing more than 0.1% of heroin;

(*d*) To all new derivatives of morphine, of cocaine, or of their respective salts, and to every other alkaloid of opium, which may be shown by scientific research, generally recognized, to be liable to similar abuse and productive of like ill-effects.

## Chapter IV.

Art. 15. The contracting powers having treaties with China (treaty powers) shall, in conjunction with the Chinese Government, take the necessary measures to prevent the smuggling into Chinese territory, as well as into their Far Eastern colonies and into the leased territories which they occupy in China, of raw and prepared opium, morphine, cocaine, and their respective salts, as also of the substances referred to in Art. 14 of the present convention. The Chinese Government shall, on their part, take similar measures for the suppression of the smuggling of opium and of the other substances above referred to from China to the foreign colonies and leased territories.

Art. 16. The Chinese Government shall promulgate pharmacy laws for their subjects regulating the sale and distribution of morphine, cocaine, and their respective salts, and of the substances referred to in Art. 14 of the present convention, and shall communicate these laws to the Governments having treaties with China, through their diplomatic representatives at Peking. The contracting powers having treaties with China shall examine these laws and, if they find them acceptable, shall take the necessary measures to apply them to their nationals residing in China.

Art. 17. The contracting powers having treaties with China shall undertake to adopt the necessary measures to restrict and control the habit of smoking opium in their leased territories, settlements, and concessions in China, to suppress, *pari passu* with the Chinese Government, the opium dens or similar establishments which may still exist there, and to prohibit the use of opium in places of entertainment and brothels.

Art. 18. The contracting powers having treaties with China shall take effective measures for the gradual reduction, *pari passu* with the effective measures which the Chinese Government shall take with the same object, of the number of shops, in which raw and prepared opium is sold, which may still exist in their leased territories, settlements, and concessions in China. They shall adopt effective measures for the restriction and control of the retail trade in opium in the leased territories, settlements, and concessions, unless regulations on the subject are already in existence.

Art. 19. The contracting powers having post offices in China shall adopt effective measures to prohibit the illegal import into China in the form of postal packages, as well as the illegal transmission through these offices from one place in China to another, of opium (raw or prepared), morphine, cocaine, and their respective salts, and of the other substances referred to in Art. 14 of the present convention.

## Chapter V.

Art. 20. The contracting powers shall examine the possibility of enacting laws or regulations making it a penal offense to be in illegal possession of raw opium, prepared opium, morphine, cocaine, and their respective salts, unless laws or regulations on the subject are already in existence.

Art. 21. The contracting powers shall communicate to one another, through the Ministry of Foreign Affairs of the Netherlands:

(*a*) The texts of the existing laws and administrative regulations respecting the matters referred to in the present convention or promulgated in virtue of the clauses thereof;

(*b*) Statistical information as regards the trade in raw opium, prepared opium, morphine, cocaine, and their respective salts, as well as in the other drugs or their salts or preparations referred to in the present convention.

These statistics shall be furnished with as many details and within a period as short as may be considered possible.

## Chapter VI. *Final Provisions*

Art. 22. Any power not represented at the conference shall be allowed to sign the present convention.

With this object the Government of the Netherlands will, immediately after the signature of the convention by the plenipotentiaries of the powers which have taken part in the conference, invite all the powers of Europe and America not represented at the conference, that is to say:

The Argentine Republic, Austria-Hungary, Belgium, Bolivia, Brazil, Bulgaria, Chile, Colombia, Costa Rica, the Republic of Cuba, Denmark, the Dominican Republic, the Republic of Ecuador, Greece, Guatemala, the Republic of Haiti, Honduras, Luxemburg, Mexico, Montenegro, Nicaragua, Norway, Panama, Paraguay, Peru, Rumania, Salvador, Serbia, Spain, Sweden, Switzerland, Turkey, Uruguay, the United States of Venezuela.

to appoint a delegate, furnished with the necessary full powers, to sign the convention at The Hague.

These signatures shall be affixed to the convention by means of a "protocol of signature by powers not represented at the conference," to be added after the signatures of the powers represented, the date of each signature being mentioned.

The Government of the Netherlands will, every month, notify the signatory powers of each supplementary signature.

Art. 23. After all the powers, as well on their own behalf as on behalf of their possessions, colonies, protectorates, and leased territories, have signed the convention or the supplementary protocol above referred to, the Government of the Netherlands will invite all the powers to ratify the convention with this protocol.

In the event of the signature of all the powers invited not having been obtained on the date of December 31, 1912, the Government of the Netherlands will immediately invite the powers which have signed by that date to appoint delegates to examine at The Hague the possibility of depositing their ratifications notwithstanding.

The ratification shall take place within as short a period as possible and shall be deposited at the Ministry of Foreign Affairs at The Hague.

The Government of the Netherlands will every month notify the signatory powers of the ratifications which they have received in the interval.

As soon as the ratifications of all the signatory powers, as well on their own behalf as on behalf of their colonies, possessions, protectorates, and leased territories, have been received by the Government of the Netherlands, the latter will notify all the powers which have ratified the convention of the date on which it received the last instrument of ratification.

Art. 24. The present convention shall come into force three months after the date mentioned in the notification by the Government of the Netherlands, referred to in the last paragraph of the preceding article.

With regard to the laws, regulations, or other measures contemplated by the present convention, it is agreed that the bills or drafts required for this purpose shall be prepared not later than six months after the entry into force of the convention. As regards the laws, they shall also be submitted by their Governments to the Parliaments or legislative bodies within the same period of six months, or in any case at the first session following the expiration of this period.

The date on which these laws, regulations, or measures shall come into force shall form the subject of an agreement between the contracting powers, at the instance of the Government of the Netherlands.

In the event of questions arising relative to the ratification of the present convention, or to the enforcement either of the convention or of the laws, regulations, or measures resulting therefrom, the Government of the Netherlands will, if these questions cannot be settled by other means, invite all the contracting powers to appoint delegates to meet at The Hague in order to arrive at an immediate agreement on the questions.

Art. 25. If one of the contracting powers should wish to denounce the present convention, the denunciation shall be notified in writing to

the Government of the Netherlands, who will immediately communicate a certified copy of the notification to all the other powers, informing them of the date on which it was received.

The denunciation shall take effect only as regards the power which notified it, and one year after the notification thereof has reached the Government of the Netherlands.

In witness whereof the plenipotentiaries have affixed their signatures to the present convention.

Done at The Hague, January 23, 1912, in a single copy, which shall be deposited and remain in the archives of the Government of the Netherlands, and of which certified copies will be transmitted through the diplomatic channel to all the powers represented at the conference.

For Germany:
F. von Müller.
Delbrück.
Grünenwald.

For the United States of America:
Charles H. Brent.
Hamilton Wright.
Henry J. Finger.

For China:
Liang Ch'eng.

For France:
H. Brenier.
With the reservation that a separate and special ratification or denunciation may subsequently be obtained for the French Protectorates.

For Great Britain:
W. S. Meyer.
W. G. Max Müller.
William Job Collins.
With the reservation of the following declaration:
The articles of the present convention, if ratified by His Britannic Majesty's Government, shall apply to the Government of British India, Ceylon, the Straits Settlements, Hongkong, and Wei-Hai-Wei in every respect in the same way as they shall apply to the United Kingdom of Great Britain and Ireland; but His Britannic Majesty's Government reserve the right of signing or denouncing separately the said convention in the name of any dominion, colony, dependency, or protectorate of His Majesty other than those which have been specified.

For Italy:
G. de la Tour Calvello.
For Japan:
Aimaro Sato.
Tomoe Takagi.
Kotaro Nishizaki.
For the Netherlands:
J. T. Cremer.
C. Th. van Deventer.
A. A. de Jongh.
J. G. Scheurer.
For Persia:
Mirza Mahmoud Khan.
With the reservation of Arts. 15, 16, 17, 18 and 19 (Persia having no treaty with China) and paragraph (*a*) of Art. 3.
For Portugal:
Antonio Maria Bartholomeu Ferreira.
For Russia:
A. Savinsky.
For Siam:
Akharaj Varadhara.
Wm. J. Archer.
With the reservation of Arts. 15, 16, 17, 18 and 19, Siam having no treaty with China.

# APPENDIX II

## FINAL PROTOCOL OF THE INTERNATIONAL OPIUM CONFERENCE[1]

SIGNED AT THE HAGUE, JANUARY 23, 1912

The International Opium Conference proposed by the Government of the United States of America, and convoked by the Government of the Netherlands, assembled at The Hague, in the Hall of the Knights, on December 1, 1911.

The Governments hereinafter enumerated took part in the conference, for which they had appointed the following delegates:

[Here follow names.]

At a series of meetings held from December 1, 1911, to January 23, 1912, the conference drew up the annexed text of a convention:

The conference further expressed the following vœux:

I. The conference considers it desirable to direct the attention of the Universal Postal Union:

(1) To the urgency of regulating the transmission through the post of raw opium;

(2) To the urgency of regulating as far as possible the transmission through the post of morphine, cocaine, and their respective salts and other substances referred to in Art. 14 of the convention;

(3) To the necessity of prohibiting the transmission of prepared opium through the post.

II. The conference considers it desirable to study the question of Indian hemp from the statistical and scientific point of view, with the object of regulating its abuses, should the necessity thereof be felt, by internal legislation or by an international agreement.

In witness whereof the plenipotentiaries have affixed their signatures to the present protocol.

Done at The Hague, the twenty-third day of January one thousand nine hundred and twelve, in a single copy, which shall be deposited and remain in the archives of the Netherlands Government, and certified copies of which shall be transmitted through the diplomatic channel to all the powers represented at the conference.

[1]Reprinted from O. C. 1 (1), 1923.

For Germany:
F. von Müller.
Delbrück.
Grünenwald.
For the United States of America:
Charles H. Brent.
Hamilton Wright.
Henry J. Finger.
For China:
Liang Ch'eng.
For France:
H. Brenier.
For Great Britain:
W. S. Meyer.
W. G. Max Müller.
William Job Collins.
For Italy:
G. de la Tour Calvello.
For Japan:
Aimaro Sato.
Tomoe Takagi.
Kotaro Nishizaki.
For the Netherlands:
J. T. Cremer.
C. Th. van Deventer.
A. A. de Jongh.
J. G. Scheurer.
For Persia:
Mirza Mahmoud Khan.
For Portugal:
Antonio Maria Bartholomeu Ferreira.
For Russia:
A. Savinsky.
For Siam:
Wm. J. Archer.

# APPENDIX III

## FINAL PROTOCOL OF THE SECOND INTERNATIONAL OPIUM CONFERENCE, 1913[1]

SIGNED AT THE HAGUE, JULY 9, 1913

The Second International Opium Conference, convoked by the Government of the Netherlands in accordance with Art. 23 of the International Opium Convention, met at The Hague, in the Hall of the Knights, on July 1, 1913.

The Governments hereinafter enumerated participated in the conference, for which they had appointed the following delegates:

[Here follow names.]

At a series of meetings held from July 1–9, 1913, the conference, having examined the questions submitted to it by paragraph 2 of Art. 23 of the International Opium Convention of January 23, 1912:

I. Has decided that the deposit of ratifications may now take place;

II. Has unanimously adopted the following resolution:

Desiring to continue, in the direction indicated by the International Commission of Shanghai of 1909 and by the First Conference at The Hague in 1912, the progressive suppression of the abuse of opium, morphine and cocaine, as well as of the drugs prepared or derived from these substances, and more than ever convinced of the necessity and mutual advantage of an international agreement on this matter, the Second International Opium Conference:

(1) Resolves that the Government of the Netherlands may be pleased to inform the Governments of Austria-Hungary, Norway and Sweden that the signature, ratification, preparations of legislative measures and the enforcement of the convention constitute four distinct stages, which allow these powers to proceed at once to supplemental signature.

Indeed, it is provided by Arts. 23 and 24 that a period of six months may elapse between the enforcement of the convention and the preparation of bills, regulations and other measures contemplated by the convention. Also, the third paragraph of Art. 24 allows the contracting powers to come to an agreement, after ratification, as to the date of the enactment of such legislative measures. Furthermore, it must be observed that the difficulties anticipated by Austria-Hungary, Norway and Sweden as regards their legislation were foreseen by the delegates of the signatory

[1]Reprinted from O. C. 1 (1), 1923.

powers and were, indeed, the subject of thorough examination by the twelve contracting powers. Almost all the signatory powers are in the same position as the above-mentioned powers and have not yet formulated all the measures contemplated by the convention.

(2) Resolves that the Government of the Netherlands may be pleased to communicate to the Governments of Bulgaria, Greece, Montenegro, Peru, Rumania, Serbia, Turkey and Uruguay the following resolution:

> "The conference regrets that certain Governments have as yet declined or failed to sign the convention. The conference is of the opinion that the abstention of these powers would prejudice most seriously the humanitarian ends sought by the convention. The conference expresses the firm hope that these powers will alter their negative or dilatory attitude."

(3) Resolves that the Government of the Netherlands may be pleased to inform the Swiss Government that it is mistaken in its belief that its cooperation will be almost valueless. Contrary to the view expressed in the letter of the Federal Council of October 25th, 1912, the conference believes that the cooperation of Switzerland will be most useful, while its abstention will jeopardize the results of the convention. As to the consideration advanced by the Federal Council concerning the respective fields of federal and cantonal legislation, it may be observed that similar difficulties confronted the First Conference, which took them into account while drafting the text of the convention.

(4) Invites the signatory Governments to instruct their representatives abroad to support the above-mentioned representations of their Netherlands colleagues.

III. Has resolved as follows:

That should the signatures of all the powers invited in accordance with paragraph 1 of Art. 23 not be obtained by December 31, 1913, the Government of the Netherlands will immediately request the signatory powers to appoint delegates to proceed to The Hague to examine into the possibility of putting into effect the International Opium Convention of January 23, 1912.

In witness whereof the delegates have attached their signatures to this protocol.

Done at The Hague, July 9, 1913, in one instrument, which shall be deposited in the archives of the Government of the Netherlands, and copies of which, duly certified, shall be forwarded through diplomatic channels to all the signatory and the nonsignatory powers.

For Germany:
F. von Müller.
For the United States of America:
Hamilton Wright.
Lloyd Bryce.
Gerrit J. Kollen.
For the Argentine Republic:
Franc. de Veyga.
For Belgium:
Bn. Alb. Fallon.
For the United States of Brazil:
Graça Aranha.
For Chile:
Jorje Huneeus.
For China:
W. W. Yen.
Wu Lien-Teh.
For Colombia:
Chr. Hischemöller.
For Costa Rica:
Manuel M. de Peralta.
For Denmark:
W. Grevenkop Castenskjold.
For the Dominican Republic:
J. Lamarche.
For Ecuador:
Jorje Huneeus.
For Spain:
Manuel G. de Acilu.
For France:
Marcellin Pellet.
For Great Britain:
W. G. Max Müller.
William Job Collins.
For Haiti:
Stenio Vincent.
For Italy:
Birchanteau.
For Japan:
J. Shinobu.
(Subject to the eventual approval of his Government.)
For Luxemburg:
Bn. Alb. Fallon.
For the United States of Mexico:
F. Gamboa.
For the Netherlands:
J. T. Cremer.
C. Th. van Deventer.
A. A. de Jongh.
J. G. Scheurer.
For Portugal:
Antonio Maria Bartholomeu Ferreira.
For Russia:
A. Swetchine.
For Siam:
Phya Sudham Maitri.
Wm. J. Archer.

# APPENDIX IV

## FINAL PROTOCOL OF THE THIRD INTERNATIONAL OPIUM CONFERENCE, 1914[1]

### Signed at The Hague, June 25, 1914

The Third International Opium Conference, convoked by the Government of the Netherlands, in accordance with the third resolution of the Second Conference, met at The Hague, in the Hall of the Knights, on June 15, 1914.

The Governments hereinafter enumerated participated in the conference, for which they had appointed the following delegates:

[Here follow names.]

At a series of meetings held from June 15–25, 1914, the conference, having examined the question submitted to it under the third resolution by the Second Conference:

(A) Expresses the following opinion:

I. That it is possible to put into effect the International Opium Convention of January 23, 1912, notwithstanding the fact that several powers, invited by virtue of paragraph 1 of Art. 23, have not yet signed the convention.

II. That the coming into force of the convention between all the signatory powers shall take place when the powers which have already signed, and those which have expressed the intention to adhere, shall have ratified the convention. The date of coming into effect of the convention shall be that fixed by paragraph 1 of Art. 24.

III. That if all the signatory powers have not yet deposited their ratifications by a certain date to be fixed by the conference it shall be legal (*loisible*) for the powers which at that date shall have deposited their ratifications to cause the convention to come into force. The same faculty (*faculté*) shall be permitted to the signatory powers which shall successively deposit their ratifications after that date.

IV. That the date referred to in Art. III be December 31, 1914.

V. That it shall be open to powers which have not yet signed to accede to the convention.

(B) Decides:

That a protocol shall be open at The Hague by which the signatory powers, intending to avail themselves of the faculty provided in Art. III, may declare their intention to cause the convention to come into

[1]Reprinted from O. C. 1 (1), 1923.

effect. His Excellency the Minister for Foreign Affairs of the Netherlands, in accordance with the desire unanimously expressed by the conference, has consented to draw up this protocol, which shall remain open for signature.

(C) Adopts unanimously the following resolution:

The conference invites His Excellency the Minister for Foreign Affairs of the Netherlands to make, in the name of the conference, an urgent and respectful request to the signatory powers which have not yet ratified the convention, nor expressed their intention to do so, to secure a declaration from them that they are ready to deposit their ratifications within a very short period in order that the convention may come into force as soon as possible.

In witness whereof the delegates have attached their signatures to this protocol.

Done at The Hague, June 25, 1914, in one instrument, which shall be deposited in the archives of the Government of the Netherlands, and copies of which, duly certified, shall be forwarded through diplomatic channels to all the signatory and the nonsignatory powers.

For Germany:
F. von Müller.
(With reference to his votes on June 18, 1914.)
For the United States of America:
Henry van Dyke.
Chas. Denby.
For the Argentine Republic:
Franc. de Veyga.
For Belgium:
Bn. Alb. Fallon.
For the United States of Brazil:
Graça Aranha.
For Chile[1]:
For China:
W. W. Yen.
Ts. F. T'ang.
For Denmark:
W. Grevenkop Castenskjold.
For the Dominican Republic[1]:
For Ecuador[1]:
For Spain:
Fernando de Osorio.
For France:
Marcellin Pellet.
For Great Britain:
W. G. Max Müller.
William Job Collins.
For Guatemala:
Jose M. Lardizabal.
For Haiti[1]:
For Italy:
G. de la Tour Calvello.
For Japan:
Aimaro Sato.
For Luxemburg:
Bn. Alb. Fallon.
For the United States of Mexico:
Carlos Pereyra.
For Montenegro:
H. M. Mendes da Costa.
For the Netherlands:
J. T. Cremer.
C. Th. van Deventer.
A. A. de Jongh.
For Persia:
Mirza Mahmoud Khan.

For Portugal:
Antonio Maria Bartholomeu Ferreira.
A. A. Sanches de Miranda.
For Rumania:
C. M. Mitilineu.
For Russia:
A. Swetchine.
For Siam:
Phya Sudham Maitri.
Wm. J. Archer.

For Sweden:
F. de Klercker.
For Switzerland:
Carlin.
For Uruguay[1]:
For the United States of Venezuela:
E. Gil Borges.

[1]Communications having been interrupted as the result of the war, it has no longer been possible to obtain this signature, which could not be affixed on the date of the closing of the conference.

## APPENDIX V

# PROTOCOL RESPECTING THE PUTTING INTO FORCE OF THE INTERNATIONAL OPIUM CONVENTION[1]

The undersigned, duly authorized by their respective Governments, in virtue of the power provided under No. 3 of the Final Protocol of the Third International Opium Conference, declare that their Governments, having ratified the International Opium Convention of January 23, 1912, intend to put it into operation.

As regards the powers which shall sign that protocol before December 31, 1914, the convention will come into force on that date; as regards the powers which shall sign it after December 31, 1914, the convention will come into force on the date of signature.

For the United States of America:
Henry VAN DYKE, Feb. 11, 1915.
For China:
T'ANG TSAI-FOU, Feb. 11, 1915.
For the Netherlands:
J. LOUDON, Feb. 11, 1915.
For Honduras:
E. H. CRONE, April 3, 1915.
For Norway:
F. HAGERUP, Sept. 20, 1915.
For Belgium:
Alb. FALLON, May 14, 1919.
For Luxemburg:
Alb. FALLON, May 14, 1919.
For Sweden:
G. DE DARDEL, Jan. 13, 1921.
For Spain:
Santiago Mendez DE VIGO, Feb. 11, 1921.

[1] Reprinted from O. C. 1 (1), 1923.

# APPENDIX VI

## JOINT RESOLUTION[1]

*Requesting the President to urge upon the governments of certain nations the immediate necessity of limiting the production of habit-forming narcotic drugs and the raw materials from which they are made to the amount actually required for strictly medicinal and scientific purposes.*

### The Porter Resolution

Whereas the unlawful use in the United States of America of opium (the coagulated juice of Papaver somniferum) and its derivatives (morphia, codeine, heroin), and cocaine (obtained from coca leaves—Erythroxylum coca) and other preparations made from these plants or their by-products, with attendant irreparable injury to health and morality and resultant death from continued use, is increasing and spreading; and

Whereas the special committee of investigation of traffic in narcotic drugs appointed by the Secretary of the Treasury, in its report dated April 15, 1919, having considered the secrecy connected with the unlawful sale and use of these drugs, and the other difficulties in obtaining information which would give the exact number of addicts in the United States, says: "The committee is of the opinion that the total number of addicts in this country probably exceeds one million at the present time," and further says that "the range of ages of addicts was reported as twelve to seventy-five years. The large majority of addicts of all ages was reported as using morphine or opium or its preparations. . . . Most of the heroin addicts are comparatively young, a portion of them being boys and girls under the age of twenty. This is also true of cocaine addicts," and as this report is in harmony with the opinion of many who have carefully investigated the subject; and

Whereas the annual production of opium is approximately one thousand five hundred tons, of which approximately one hundred tons, according to the best available information, is sufficient for the world's medicinal and scientific needs, and the growth of coca leaves is likewise greatly in excess of what is required for the same needs, and thus vast quantities of each are available for the manufacture of habit-forming narcotic drugs for illicit sale and consumption; and

[1]Public Resolution, No. 96, 67th Cong. H. J. Res. 453, which was the proposal, was passed unanimously by both branches of Congress.

Whereas opium is obtained in paying quantities from poppies cultivated in small areas of India, Persia, and Turkey, where the soil and climate are peculiarly adapted to the production of poppies containing opium rich in morphia, codeine, and other narcotic derivatives; and

Whereas in Persia and Turkey the growth of the poppy and the production of opium therefrom, resulting in large revenues to those respective governments, is controllable by virtue of their sovereign power to limit the exportation thereof and to restrict production to the quantity actually required for strictly medicinal and scientific purposes; and

Whereas the British Government in India, which derives large revenues from the growth of the poppy and the production of opium therefrom, has full power to limit production to the amount actually required for strictly medicinal and scientific purposes; and

Whereas the production of coca leaves (Erythroxylum coca) is limited to certain areas of Peru and Bolivia and the Netherlands possession of Java, and their production is controllable by virtue of the sovereign power of those Governments to limit the exportation thereof and to restrict production to the quantities actually required for strictly medicinal and scientific purposes; and

Whereas the antinarcotic laws of a majority of the large nations of the world provide severe penalties for dispensing habit-forming narcotic drugs without a record of the amount thereof dispensed, thus providing reliable data from which a reasonably accurate calculation can be made of the amount of these drugs needed for strictly medicinal and scientific purposes; and

Whereas on January 23, 1912, as the result of the meeting of the International Opium Commission at Shanghai, China, in 1909, and the conference at The Hague in 1912, a treaty was made between the United States of America and other powers which was intended to suppress the illicit traffic in habit-forming narcotic drugs, and notwithstanding that upward of seven years have passed since its ratification, the treaty and the laws in pursuance thereof subsequently adopted by the contracting powers have utterly failed to suppress such illicit traffic, by reason of the fact that the treaty attempted to regulate the transportation and sale of these drugs without adequate restriction upon production, the source or root of the evil; and

Whereas failure of such treaty and the laws adopted in pursuance thereof to provide adequate restrictions upon production has resulted in extensive and flagrant violations of the laws by reason of the fact that the great commercial value of these drugs, the large financial gains derived from handling them, and the smallness of their bulk, which renders detection in transportation and sale exceedingly difficult, have induced and encouraged the unscrupulous to divert enormous quantities into the

channels of illicit international traffic, thereby rendering partially, if not wholly, ineffective the treaty and the laws adopted in pursuance thereof; and

Whereas in June, 1921, the opium advisory committee of the Council of the League of Nations adopted a resolution urging the restriction of the cultivation of the poppy and the production of opium therefrom to "strictly medicinal and scientific" purposes, which resolution was approved by the Council of the League but when said resolution was presented for final approval to the Assembly of the League, which is composed of a representative from each nation which is a member thereof, it was amended by striking out the words "strictly medicinal and scientific" and substituting the word "legitimate" in lieu thereof; and

Whereas the substitution of the general word "legitimate" for the specific words "medicinal and scientific" permits the continuance of the sale of enormous quantities of opium and its derivatives in many sections of the Orient by the opium producers of India, Turkey, and Persia, where it is "legitimate" to sell and transport these drugs in unrestricted quantities regardless of their ultimate use by the purchaser; and

Whereas the continuance of the sale and transportation of such drugs, without restriction on their use, results in the diversion of large quantities thereof into the channels of illegal international traffic and in the unlawful importation into the United States, and the sale here for unlawful purposes, of preparations made therefrom such as morphia, heroin, and cocaine; and

Whereas the United States of America, in dealing with the traffic in habit-forming narcotic drugs within its own territory and possessions, notably in the Philippine Islands, and in cooperating sympathetically with the efforts of the Government of China in dealing with its opium problem, has always been committed, without regard to revenue, to a program for the complete suppression and prohibition of the production of and traffic in them, except for strictly medicinal and scientific purposes: Therefore be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That it is the imperative duty of the United States Government to safeguard its people from the persistent ravages of habit-forming narcotic drugs.

Sec. 2. That the effective control of these drugs can be obtained only by limiting the production thereof to the quantity required for strictly medicinal and scientific purposes, thus eradicating the source or root of the present conditions, which are solely due to production many times greater than is necessary for such purposes.

Sec. 3. That in the hope of accomplishing this end, the President be, and he hereby is, requested to urge upon the Governments of Great

Britain, Persia, and Turkey the immediate necessity of limiting the growth of the poppy (Papaver somniferum) and the production of opium and its derivatives exclusively to the amount actually required for strictly medicinal and scientific purposes.

SEC. 4. That the President be, and he hereby is, requested to urge upon the Governments of Peru, Bolivia, and the Netherlands the immediate necessity of limiting the production of coca leaves (Erythroxylum coca) and their derivatives to the quantity exclusively required for strictly medicinal and scientific purposes.

SEC. 5. That the President be, and he hereby is, requested to report to Congress on the first Monday in December, 1923, the result of his action.

Approved, March 2, 1923.

# APPENDIX VII

## JOINT RESOLUTION[1]

*Authorizing an appropriation for the participation of the United States in two international conferences for the control of the traffic in habit-forming narcotic drugs.*

Whereas President Roosevelt on October 14, 1907, called an International Commission which met in Shanghai, China, in 1909 to make an investigation of the abuses growing out of the opium traffic and to suggest a means for their prevention, and thus the United States, as pointed out by President Wilson in his message to Congress on April 21, 1913, "initiated the world-wide movement toward" the abolition of the traffic in habit-forming narcotic drugs; and

Whereas the International Conference at The Hague proposed by President Taft on September 1, 1909, to give international effect and sanction to the resolutions of the Shanghai Opium Commission, resulted in the adoption of The Hague Opium Convention of 1912 by the powers assembled, which is in full force and effect between the nations which have ratified it; and

Whereas the original convention delegated certain administrative functions to the Netherlands Government (thereby constituting the said Government an agent for the execution of the treaty), and said Government called two conferences in 1913 and 1914 to consider problems growing out of the execution of the convention; and

Whereas certain of the powers parties thereto have vested in the League of Nations the agency or duty of executing the convention by treaty, dated June 28, 1923, article 23 of which provides as follows: "Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League . . . will intrust the League with the general supervision over the execution of agreements with regard to . . . the traffic in opium and other dangerous drugs . . . "; and

Whereas the United States, for the reasons that it is only by international cooperation that the suppression of the world-wide traffic in habit-forming narcotic drugs can be accomplished, and that this Government is bound by The Hague Opium Convention equally with other Governments to work toward this end, accepted an invitation from said agency to cooperate with it in the execution of said treaty; and

Whereas as the result of conferences in January, May, and September

[1]Public Resolution, No. 20, 68th Cong. H. J. Res. 195, which was the proposal, was passed unanimously by both branches of Congress.

of 1923, between the representatives of the United States and Governments represented by the League of Nations, the latter Governments agreed that the United States construction of The Hague Opium Convention, as provided in Public Resolution Numbered 96, Sixty-seventh Congress, approved March 2, 1923, represented the objects which the treaty was intended to accomplish, and that any other construction would render the treaty ineffective and of no practical value, and accordingly it was decided:

"1. If the purpose of The Hague Opium Convention is to be achieved according to its spirit and true intent, it must be recognized that the use of opium products for other than medical and scientific purposes is an abuse and not legitimate.

"2. In order to prevent the abuse of these products it is necessary to exercise the control of the production of raw opium in such a manner that there will be no surplus available for nonmedical and nonscientific purposes"; and

Whereas it was further decided at said conferences that two international conferences should be called in the latter part of the year 1924 to agree upon a plan to enforce said treaty in accordance with said construction and interpretation, bearing in mind that the gradual suppression of the traffic in and use of prepared opium as provided in Chap. II of the convention is not yet accomplished, reservations to that effect having been noted by certain powers (Great Britain, France, Germany, Netherlands, Japan, British India, and Siam, in regard to prepared opium): Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the appropriation of such sum as may be necessary, not to exceed $40,000, for the participation of the United States in one or both of these conferences, or any postponement thereof, to be expended under the direction of the Secretary of State, is hereby authorized: *Provided,* That the representatives of the United States shall sign no agreement which does not fulfill the conditions necessary for the suppression of the habit-forming narcotic drug traffic as set forth in the preamble.

# APPENDIX VIII

## SUGGESTIONS OF THE UNITED STATES OF AMERICA[1]

Considering that the powers interested in the progressive suppression of the abuse of opium, morphine, cocaine, as well as drugs prepared or derived from these substances, which give rise, or might give rise, to similar abuses entered into the International Opium Convention of 1912;

Considering the necessity of adopting further measures in order to hasten the consummation of the aims and objects of that convention;

Considering that the Assembly of the League of Nations by resolution No. VI, passed on Oct. 18, 1923, requested the Council, as a means of giving effect to the principles submitted by the representatives of the United States of America, subject to the reservation in regard to prepared opium made by representatives of France, Germany, Great Britain, Japan, The Netherlands, Portugal, and Siam, to invite the Governments concerned to send representatives with plenipotentiary powers to a conference for this purpose;

Considering that the principles submitted by the representatives of the United States of America are the following:

1.—"If the purpose of The Hague Opium Convention is to be achieved according to its spirit and true intent, it must be recognized that the use of opium products for other than medicinal and scientific purposes is an abuse and not legitimate.

2.—"In order to prevent the abuse of these drugs, it is necessary to exercise the control of the production of raw opium in such a manner that there will be no surplus available for nonmedicinal and nonscientific purposes."

Considering that this humanitarian effort will meet with the unanimous adhesion of all the nations interested:

Have resolved to conclude a convention for this purpose and have appointed as their plenipotentiaries:

[Here follow names.]

### Chapter I. *Raw Opium and Coca Leaves*

*Definitions.* By "raw opium" is understood:

The spontaneously coagulated juice obtained from the capsules of the Papaver somniferum, which has only been submitted to the necessary manipulation for packing and transport.

[1]Reprinted from O. D. C. 34, English text.

By "coca leaves" is understood:

The leaves of Erythroxylum coca and its varieties from which cocaine may be extracted.

Art. 1. The contracting parties shall enact effective laws or regulations for the control of the production and distribution of raw opium and coca leaves so that there will be no surplus available for purposes not strictly medical or scientific.

The foregoing provision shall not operate to prevent the production for exportation, or exportation, of raw opium for the purpose of making prepared opium into those territories where the use of prepared opium is still temporarily permitted under Chap. II of this convention, so long as such exportation is in conformity with the provisions of this convention.

Art. 2. Due regard being had to the differences in their commercial conditions, the contracting parties shall limit the number of towns, ports, or other localities through which the export or import of raw opium and coca leaves shall be permitted.

Art. 2—A. The contracting parties shall require that a separate import license must be obtained for each importation of raw opium or coca leaves. The license may allow the importation of the amount for which the license is given in one or more consignments within a period to be specified in the license.

Art. 3. The contracting parties shall require that a separate export license must be obtained for each exportation of raw opium or coca leaves. The contracting party before issuing such license shall require an import certificate issued by the authorities having jurisdiction over the territory into which the importation is made and certifying that the importation is approved, to be presented by the person applying for the license.

The license may allow the exportation of the amounts for which the license is given in one or more consignments within a period to be specified in the license.

Unless a copy of the export license accompanies the consignment, the authorities issuing the export license shall send a copy to the authorities having jurisdiction over the territory into which the importation is made.

The authorities having jurisdiction over the territory into which the importation is made, when the importation has been effected, shall return the export license with an endorsement to that effect to the contracting party issuing such export license.

In the case of an application to export a consignment to any place for the purpose of being placed in a bonded warehouse in that place, the production of a special certificate from the authorities having jurisdiction over that place, certifying that they have approved the introduction

of the consignment for the said purpose, may be accepted by the contracting party permitting the export in place of the import certificate provided for above.

Art. 4. The contracting parties shall make regulations requiring that every package containing raw opium or coca leaves intended for export shall be marked in such a way as to indicate its contents.

## Chapter II. *Prepared Opium*

*Definition.*—By "prepared opium" is understood:

The product of raw opium, obtained, by a series of special operations, especially by dissolving, boiling, roasting, and fermentation, designed to transform it into an extract suitable for consumption.

Prepared opium includes dross and all other residues remaining when opium has been smoked.

Art. 6. The contracting parties shall take measures for the gradual and effective suppression of the manufacture of, internal trade in, and the use of, prepared opium.

Art. 7. The contracting parties shall prohibit the import and export of prepared opium.

Art. 8. Each contracting party in whose territory the use of prepared opium is now temporarily permitted agrees to reduce its imports of raw opium for the purpose of making prepared opium by ten per cent of its present importation each year for a period of ten years beginning with the date of ratification of this convention by it, and further agrees not to supplement the reduction by domestically produced opium; and further agrees that at the end of such period of ten years it will prohibit the importation of raw opium for the purpose of making prepared opium. By "present importation" is understood the importation during the twelve months immediately preceding the date the contracting party ratifies this convention.

## Chapter III. *Medicinal Opium, Morphine, Cocaine, etc.*

Definitions.—By "medicinal opium" is understood:

Raw opium which has been heated to 60° Centigrade and contains not less than 10% of morphine, whether or not it be powdered or granulated or mixed with indifferent materials.

By "morphine" is understood:

The principal alkaloid of opium having the chemical formula $C_{17}H_{19}NO_3$.

By "cocaine" is understood:

The methylbenzoyl derivatives of ecgonine ($C_9H_{15}O_3N$) of the

chemical formula $C_{17}H_{21}O_4N$, whether occurring naturally or prepared synthetically; and all other derivatives of ecgonine, whether occurring naturally or prepared synthetically, which possess the property of creating addiction by their use.

By "heroin" is understood:

Diacetyl-morphine, having the formula $C_{21}H_{23}NO_5$.

Art. 9. The contracting parties shall enact effective laws or regulations to limit exclusively to medical and seientific purposes the manufacture, sale and use of morphine, cocaine and their respective salts and derivatives. They shall cooperate with one another to prevent the use of these drugs for any other purpose.

Art. 9—A. The contracting parties shall enact effective laws or regulations prohibiting the manufacture and distribution of heroin.

Art. 10. The contracting parties shall [control] all persons manufacturing, importing, selling, distributing or exporting morphine, cocaine or their respective salts or derivatives, as well as the buildings in which these persons carry on such industry or trade.

With this object, the contracting parties shall

(*a*) Confine the manufacture of morphine, cocaine and their respective salts and derivatives to those establishments and premises alone which have been licensed for the purpose, or obtain information respecting the establishments and premises in which these drugs are manufactured and keep a register of them;

(*b*) Require that all persons engaged in the manufacture, import, sale, distribution or export of morphine, cocaine or their respective salts or derivatives shall obtain a license or permit to engage in these operations;

(*c*) Require that such persons shall enter in their books the quantities manufactured, imports, sales and all other distribution, and exports of morphine, cocaine and their respective salts and derivatives.

Art. 11. The contracting parties shall take measures to prohibit, as regards their internal trade, the delivery of morphine, cocaine and their respective salts and derivatives to any unauthorized persons.

Art. 12. The contracting parties shall require that a separate import license must be obtained for each importation of morphine, cocaine or their respective salts or derivatives. The license may allow the importation of the amount for which the license is given in one or more consignments within a period to be specified in the license.

Art. 13. The contracting parties shall require that a separate export license must be obtained for each exportation of morphine, cocaine, or their respective salts or derivatives. The contracting party before

issuing such license shall require an import certificate issued by the authorities having jurisdiction over the territory into which the importation is made and certifying that the importation is approved, to be presented by the person applying for the license.

The license may allow the exportation of the amounts for which the license is given in one or more consignments within a period to be specified in the license.

Unless a copy of the export license accompanies the consignment, the authorities issuing the export license shall send a copy to the authorities having jurisdiction over the territory into which the importation is made.

The authorities having jurisdiction over the territory into which the importation is made, when the importation has been effected shall return the export license with an endorsement to that effect to the contracting party issuing such export license.

In the case of an application to export a consignment to any place for the purpose of being placed in a bonded warehouse in that place, the production of a special certificate from the authorities having jurisdiction over that place, certifying that they have approved the introduction of the consignment for the said purpose, may be accepted by the contracting party permitting the export in place of the import certificate provided for above.

Art. 14. The contracting parties shall apply the laws and regulations respecting the manufacture, import, sale, distribution, delivery, or export of morphine, cocaine, and their respective salts and their derivatives:

(*a*) To medicinal opium;

(*b*) To all preparations (officinal and non-officinal, including the so-called anti-opium remedies) containing morphine, cocaine, or their salts or derivatives;

(*d*) To all new derivatives of morphine, or cocaine, or of their respective salts, and to every other alkaloid of opium or coca leaves, and to any habit-forming drug which may be shown by scientific research, generally recognized, to be liable to similar abuse and productive of like ill-effects.

## Chapter IV

[This chapter in the Hague Convention deals with the control of drugs in China through the agency and supervision of the powers having treaties with that country. The American suggestions apparently include no reference to this phase, and Chap. IV is omitted altogether.]

## Chapter V

Art. 20. The contracting parties shall enact laws or regulations making it a penal offense to be in illegal possession of any of the substances to which this convention applies.

Art. 20—A. The contracting parties shall furnish annually to the Central Board hereinafter constituted, not later than April 1, for the calendar year beginning January 1 following, in respect of raw opium; coca leaves; morphine, its salts, derivatives, and preparations containing morphine; and cocaine, its salts, derivatives and preparations containing cocaine, estimates of:

(1) Their import requirements for medical and scientific purposes, whether for domestic consumption, manufacture, or commerce;

(2) Their total production and requirements:

(a) For all purposes,

(1) For domestic consumption for all purposes,
(2) For domestic consumption for medical and scientific purposes,
(3) For export for all purposes,
(4) For export for medical and scientific purposes.

Art. 20—B. The contracting parties undertake to prohibit the importation into their territory of any of the substances mentioned in Art. 20—A in excess of the quantities specified in the estimates furnished in pursuance of Art. 20—A (1) or fixed by the Central Board in pursuance of Art. 20—E. The foregoing provision shall not operate to prevent the importation of raw opium for the purpose of making prepared opium into those territories where the use of prepared opium is still temporarily permitted under Chap. II of this convention, so long as such importation is in conformity with the provisions of this convention.

Art. 20—C. A permanent Central Board shall be constituted consisting of one representative each from ....., .....,
....., ....., ....., .....,
....., ....., ....., .....,
....., ....., ....., .....,
and .....

(The nations having representatives shall be selected by this conference.)

The Board shall fix its headquarters, shall determine its procedure, and shall meet at least once annually beginning the first Monday in May. The decision of all questions coming before the Board shall be by a majority vote of those present, but two-thirds of the Board shall be necessary to constitute a quorum.

The Board may appoint an Executive Committee of not more than five persons who shall perform such of the Board's duties as it may delegate to the Committee. The members of the Executive Committee need not be members of the Board.

The expenses of the members of the Board shall be defrayed by the parties they represent. The expenses of the Executive Committee and its clerical staff shall be divided among the contracting parties in proportion to their total imports and exports of raw opium and coca leaves.

Art. 20—D. The contracting parties, in addition to the estimates called for in Art. 20—A, agree to send to the Central Board:

(1) In respect of each of the substances mentioned in Art. 20—A:

(*a*) Within three months after the end of each quarter statistics of their imports, specifying their source, and of their exports and re-exports, specifying their destination, during that quarter;

(*b*) If possible, within three months after the end of each half year the wholesale stocks, whether in Government or in private hands, at the end of that half year;

(2) In respect of morphine and cocaine and their salts and derivatives, within three months after the end of each half year, the statistics of their manufacture during that half-year;

(3) In respect of raw opium and coca leaves, within three months after the end of each year, the total quantity produced and consumed during that year.

The Central Board shall communicate periodically to all the parties to this convention the situation as regards the quantity and destination of all exports and re-exports of the substances mentioned in Art. 20—A, calling to their particular attention the fact that, in the case of any territory, the imports have already reached the amounts to which such territory is entitled under this convention.

Art. 20—E. If any contracting party furnishes no estimate of its import requirements in pursuance of Art. 20—A or furnishes an estimate which appears to the Central Board upon investigation undertaken on its own motion or on complaint of any of the contracting parties, to be greatly in excess of its reasonable requirements, the Board shall immediately ascertain the amount of the reasonable requirements of that contracting party for the calendar year beginning January first following, after taking into account its population, climatic and hygienic conditions and all other factors which appear to the Board to be relevant, as well as any other special circumstances which such contracting party may be at liberty to submit to the Board.

The Board shall notify to all contracting parties its conclusion as to the amount so ascertained by it. The Board shall recommend that each

contracting party other than that contracting party the extent of whose import requirements has been ascertained by the Board, shall prohibit the exportation from their respective territories to the territory of that contracting party, amounts of substances specified in Art. 20—A which, taken in conjunction with other exports thereto, will exceed the amount ascertained as aforesaid by the Board to be the reasonable annual import requirements of such party. Due consideration shall be given to the recommendation of the Board.

Art. 20—F. Each contracting party shall make it a penal offense for any person within its jurisdiction to procure or assist the commission, in any place outside its jurisdiction, of any offense against the laws in force in such place for controlling or regulating the manufacture, sale, delivery, distribution, use, possession, export, or import of any of the substances covered by this convention.

Art. 20—G. Each contracting party shall forbid the conveyance in any vessel sailing under its flag of any consignment of the substances covered by this convention—

(1) Unless an export license has been issued in respect of such consignment in accordance with the provisions of this convention and the consignment is accompanied by an official copy of such license;

(2) To any destination other than the destination mentioned in the license.

Art. 20.—H. For the purpose of insuring the full application and enforcement of the provisions of this convention in free ports and free zones, the contracting parties undertake to apply in free ports and free zones situated within their territories the same laws and regulations, and to exercise the same supervision and control in respect of the substanees covered by this convention as in other parts of their territories.

Art. 20—I. The contracting parties shall enact effective laws and regulations to prohibit the transportation through their territory from a place outside thereof to another place outside thereof, of any of the substances covered by this convention unless such contracting party is advised of the contents and the destination of the consignment.

Art. 20—J. The contracting parties shall enact effective laws and regulations to prohibit the transshipment within their territories of a consignment of any of the substances covered by this convention unless such consignment is accompanied by an official copy of the export license issued by the authorities having jurisdiction over the territory from which exported or by an official copy of the import certificate issued by the authorities having jurisdiction over the territory to which destined. The contracting parties shall also enact effective laws and regulations to prohibit in the territory of transshipment the diversion of, or attempt to divert, a consignment of any of the substances covered by this conven-

tion to any destination other than that named in the official copy of the export license or import certificate, unless an export license is first obtained from the authorities of the territory where the transshipment occurs.

Art. 20—K. The contracting parties shall enact effective laws and regulations to prohibit a consignment of any of the substances covered by this convention which is landed in their territory and placed in a bonded warehouse from being withdrawn from such warehouse for export, unless an import certificate issued by the authorities having jurisdiction over the territory to which the consignment is destined, certifying that the importation is approved, is presented to the authorities having jurisdiction over the bonded warehouse.

A special certificate shall be issued by the contracting parties in respect of each consignment so withdrawn and shall take the place of the export license for the purpose of the preceding provisions of this convention.

Art. 20—L. In the case of a geographical area the Government of which is not a party to this convention the contracting parties undertake to allow the export to such geographical area of any of the substances covered by this convention only in such amounts as may be fixed by the Central Board as being reasonably required for the medical and scientific needs of such area. The Central Board shall communicate periodically to all the parties to this convention the amount fixed in respect of each geographical area and the situation as regards the exports and re-exports thereto.

Art. 20—M. This convention shall come into force between the contracting parties who have ratified it as soon as it has been ratified by four of the contracting parties.

# APPENDIX IX

## RESOLUTIONS OF THE ADVISORY COMMITTEE ON TRAFFIC IN OPIUM ADOPTED AT THE FIFTH SESSION, MAY 24–JUNE 7, 1923[1]

1. I. The Advisory Committee on Traffic in Opium accepts and recommends to the League of Nations the proposals of the United States representatives as embodying the general principles by which the Governments should be guided in dealing with the question of the abuse of dangerous drugs and on which, in fact, the International Convention of 1912 is based, subject to the fact that the following reservation has been made by the representatives of the Governments of France, Germany, Great Britain, Japan, the Netherlands, Portugal and Siam:

"The use of prepared opium and the production, export and import of raw opium for that purpose are legitimate so long as that use is subject to and in accordance with the provisions of Chap. II of the convention."

II. The Advisory Committee, appreciating the great value of the cooperation of the Government of the United States of America in the efforts which the League has for the past two years been making to deal with the question of the abuse of dangerous drugs, expresses the belief that all the Governments concerned will be desirous of cooperating with that Government in giving the fullest possible effect to the convention.

III. In bringing the American proposals to the notice of the Council and the Assembly, the Advisory Committee would recall that, during the two years that have elapsed since the convention came into operation, it has worked toward the same ends by: (1) taking all possible steps to secure the adhesion of all countries to the convention; (2) investigating the question of the world's needs of the manufactured drugs for medicinal and scientific uses with a view to the eventual limitation of the production of these drugs; (3) recommending the system of import certificates, arranging the exchange between States of information in regard to the illicit traffic in the drugs, and proposing other measures for securing international cooperation in suppressing that traffic; (4) inviting the powers with territories in the Far East to review their requirements of opium, and submitting proposals for an investigation by the Chinese Government of the conditions in China, with a view to the more effective application of Chap. II of the convention and the solution of the problem of the use of prepared opium in the Far East; (5) collecting and publishing information as to the measures taken to give effect to

[1] *Minutes*, Fifth Session (C. 418. M. 184. 1923. XI), p. 208.

the convention and the position generally in all countries in regard to the traffic, with a view to securing the enforcement of the convention.

IV. As a means of giving effect to the principles submitted by the representatives of the United States and the policy which the League, on the recommendation of the Committee, has adopted, and having regard to the information now available, the Advisory Committee recommends to the Council the advisability of inviting:

(*a*) The Governments of the States in which morphine, heroin, or cocaine, and their respective salts are manufactured and the Governments of the States in which raw opium or the coca leaf are produced for export for the purpose of such manufacture;

(*b*) The Governments having territories in which the use of prepared opium is temporarily continucd under the provisions of Chap. II of the convention and the Government of the Republic of China,

to enter into immediate negotiations (by nominating representatives to form a committee or committees, or otherwise) to consider whether, with a view to giving the fullest possible effect to the Convention of 1912, agreements could not now be reached between them:

(*a*) as to a limitation of the amounts of morphine, heroin or cocaine and their respective salts to be manufactured; as to a limitation of the amounts of raw opium and the coca leaf to be imported for that purpose and for other medicinal and scientific purposes; and as to a limitation of the production of raw opium and the coca leaf for export to the amount required for such medicinal and scientific purposes. The latter limitation is not to be deemed to apply to the production and export of raw opium for the purpose of smoking in those territories where that practice is temporarily continued under the provisions of Chap. II of the convention;

(*b*) as to a reduction of the amount of raw opium to be imported for the purpose of smoking in those territories where it is temporarily continued, and as to the measures which should be taken by the Government of the Republic of China to bring about a suppression of the illegal production and use of opium in China.

*Reservation by the representative of the Government of India*

The representative of the Government of India associates himself with the foregoing resolution, subject to the following reservation regarding paragraph 1:

"The use of raw opium, according to the established practice in India, and its produetion for such use, are not illegitimate under the convention."

2. The Advisory Committee, having regard to the large amount of detailed information now available, recommends the Council to invite the powers with Far Eastern territories where the use of opium for smoking is temporarily continued in pursuance of Chap. II of the Opium Convention, to enter into immediate negotiations, by means of calling a special conference of representatives of these Governments, or otherwise, to consider what measures could be taken to give a more effective application to Chap. II of the convention and to bring about a reduction of the amount of opium used, and whether, on the lines of the suggestions set out below or on other lines, an agreement or understanding could not now be reached for the adoption of a uniform policy on the matter:

I. That the farm system, where it is still in operation, should be abolished and that the opium business should be made a Government monopoly and kept entirely in the hands of the Government.

II. As a corollary of paragraph I, that the retail sale of prepared opium should be made only from Government shops, and that all private shops should be abolished. Persons in charge of Government shops should be paid a fixed salary without any commission on the amount of business done, and therefore would have no temptation to push the sales.

III. That a uniform maximum limit should be fixed for the amount of prepared opium placed on sale for consumption, calculated according to the number of the adult Chinese male population, *e.g.*, *x* taels per 10,000 adult Chinese males in the territory, and that the annual imports of raw opium should be limited to the amount required for that rate of consumption.

IV. That the possibilities of the system of registration and licensing, which has already been introduced in some of the Far Eastern territories, should be thoroughly explored.

V. That the possibility should be considered of making uniform, so far as circumstances permit:

(*a*) the price at which prepared opium is retailed in the different territories, and

(*b*) the penalties for infraction of the law in regard to the import, export, sale and use of prepared opium.

VI. That the interested powers, that is, the powers having territories in the Far East where the consumption of prepared opium is still permitted, should conclude an agreement among themselves to apply the foregoing measures for the purpose of carrying out Chap. II of the convention.

VII. That the position should be generally reviewed periodically by the powers interested and the question of further reducing the maximum limit fixed in the agreement should be considered.

3. The Advisory Committee asks the Council to request the Governments to communicate their views as to the possibility of a total suppression of the manufacture of heroin or of its limitation to the minimum amount required.

4. The Advisory Committee, being convinced of the great value of the information contained in the annual reports which each Government has been requested to transmit to the Secretariat, once more recommends the Council to urge on the Governments the importance of sending regularly to the Secretariat such reports, which should contain the fullest possible information, both with regard to the production of and the traffic in opium and other narcotics.

5. The Advisory Committee recommends the Council to draw the attention of the Governments to the extreme desirability not only of direct communication to other immediately interested Governments of the details of any seizures made, but also of a general communication to the Secretariat of the League of Nations of all important seizures in order that the fullest international publicity may be secured by the transmission, with the consent of the Governments concerned, of this information by the Secretariat both to other Governments not immediately concerned in the specific case and to the press.

6. The Advisory Committee recommends that the statement prepared by the Secretariat for the Subcommittee on Customs Statistics, together with the memorandum prepared by Sir Malcolm Delevingne on the position of bonded warehouses in regard to the traffic in narcotics, should be communicated to the Governments with a request for their observations.

7. The Advisory Committee, considering that the infliction of severe penalties on persons engaged in the illicit traffic in narcotics is one of the best means of preventing the spread of that traffic, recommends the increase of penalties in certain countries, the adoption of the penalty of imprisonment, and, if possible, of prohibition of residence (*interdiction de séjour*), a very strict application of the penalties laid down, and the introduction of clauses providing for the punishment of infractions committed in foreign countries.

# APPENDIX X

## RESOLUTIONS OF THE FOURTH ASSEMBLY, SEPTEMBER 27, 1923[1]

I. The Assembly expresses its deep appreciation of the very valuable work done by the Advisory Committee on Traffic in Opium and other Dangerous Drugs, adopts its report and resolutions, taking note of the reservations contained therein, and asks the Council to take the necessary steps to put these resolutions into effect.

II. The Assembly, in view of Turkey having agreed, by the treaty of Lausanne, to adopt and to enforce the International Opium Convention of 1912, and in view of its importance as an opium-producing country, expresses the wish that the Turkish Government—on its ratification of the convention and signature of the final protocol of 1914—be invited to nominate a representative to serve on the Advisory Committee.

III. The Assembly asks the Council to repeat its request to the Governments of Albania, Argentine, Colombia, Costa Rica, Lithuania, Paraguay, Persia and Switzerland, that they should take all possible measures with a view to the prompt ratification and application of the Opium Convention.

IV. The Assembly, taking note with regret of the fact that a number of countries have not yet adopted the import certificate system as recommended by the Assembly in 1921 and 1922, reiterates the opinion expressed by the Assembly in 1922 that this system is the most practical method yet suggested for controlling the import and export of the drugs in accordance with the provisions of the International Opium Convention and that its success depends on its adoption by all countries engaged in importing or exporting the drugs; and in view of the serious difficulties created by the nonadoption, up to the present, of the system by several important countries, requests that the Advisory Committee may be instructed to proceed with the consideration of the suggestion contained in the second resolution adopted by the Assembly in 1922, and to report specially to the next Assembly on the whole situation.

V. The Assembly approves the proposal of the Advisory Committee that the Governments concerned should be invited immediately to enter into negotiations with a view to the conclusion of an agreement as to the measures for giving effective application in the Far Eastern territories to Part II of the convention and as to a reduction of the amount of raw opium to be imported for the purpose of smoking in those terri-

[1]Resolutions and Recommendations adopted by the Assembly during its Fourth Session (September 3–29, 1923). *Official Journal*, Spec. Sup. No. 11, p. 22.

tories where it is temporarily continued, and as to the measures which should be taken by the Government of the Republic of China to bring about the suppression of the illegal production and use of opium in China and requests the Council to invite those Governments to send representatives with plenipotentiary powers to a conference for the purpose and to report to the Council at the earliest possible date.

VI. The Assembly, having noted with satisfaction that, in accordance with the hope expressed in the fourth resolution adopted by the Assembly in 1922, the Advisory Committee has reported that the information now available makes it possible for the Governments concerned to examine, with a view to the conclusion of an agreement, the question of the limitation of the amounts of morphine, heroin or cocaine and their respective salts to be manufactured; of the limitation of the amounts of raw opium and the coca leaf to be imported for that purpose and for other medicinal and scientific purposes; and of the limitation of the production of raw opium and the coca leaf for export to the amount required for such medicinal and scientific purposes, requests the Council, as a means of giving effect to the principles submitted by the representatives of the United States of America, and to the policy which the League, on the recommendation of the Advisory Committee, has adopted, to invite the Governments concerned to send representatives with plenipotentiary powers to a conference for this purpose, to be held, if possible, immediately after the conference mentioned in resolution V.

The Assembly also suggests, for the consideration of the Council, the advisability of enlarging this conference so as to include within its scope all countries which are members of the League, or parties to the Convention of 1912, with a view to securing their adhesion to the principles that may be embodied in any agreement reached.

# APPENDIX XI

## AN APPEAL TO MY COLLEAGUES[1]

BISHOP CHARLES HENRY BRENT

I would have preferred to have presented this appeal in a plenary session of the conference at the appropriate moment. This I am precluded from doing, as I am obliged to leave for Paris, London and America on the evening of December 7. Under ordinary circumstances I would not venture to press any thoughts of mine on the attention of the delegates to the conference, but you will forgive one for doing so who has spent as many years as I on this particular question, and from whose little match, lighted many years ago, a great matter has been kindled. This is the last time that I shall take a share in any international gathering on this great problem. In spite of such measure of claim to be heard as these facts afford, I would not break silence now did I not see calamity of no ordinary proportions facing great interests of the human race as well as the immediate matter which holds our attention. I do not ask forgiveness for any plain speaking or severity of language which I may employ in behalf of the truth and of our common cause. I am speaking to those all of whom are my colleagues, some of whom my personal friends. I wish it to be known then that I speak in accord with the wisdom of the ages, which has vindicated the ancient proverb, that "faithful are the wounds of a friend."

At the first plenary session of the conference the delegation of the United States, as a precautionary measure, made the following reservation:

The United States delegation respectfully reserves the right to move to amend the agenda in the event that the First Conference does not provide an effective means for the suppression of the traffic in prepared opium or fails to reach an agreement.

We are confronted with an unfortunate situation which cannot be solved by an appeal to technicalities. Whether or not the findings of the First Conference were to have been reported directly to the Second Conference, the Second Conference at least needs to know them in order to deal effectively with the subject of production. The First Conference has thus far reached no agreement, and we have nothing before us. The dictates of common sense demand a frank admission of the dilemma in which this failure has placed the Second Conference and a consideration of the possibility and wisdom of widening the scope of our discussion to include the subject of the progressive suppression of the traffic in prepared opium. The Hague Convention lays the responsibility of this matter upon all the contracting powers without distinction.

[1]For account of this extra-conference document, see p. 95.

It is only fair to state that the representatives of the United States, foreseeing the possibility of such a situation as has arisen, consistently contended at the meeting of the Fifth Committee of the Assembly of 1923 for one instead of two conferences. In view of these facts the United States delegation respectfully reserves the right to move to amend the agenda in the event that the First Conference does not provide an effective means for the suppression of the traffic in prepared opium or fails to reach an agreement.

The First Conference has now reached an agreement and signatures have begun to be affixed to the protocol. The agreement is of a character that requires me, reluctantly but under a stern sense of duty, to fall back on our reservation and raise the question, what the Second Conference should do in the circumstances. To keep silence and acquiescence in the agreement would make us delinquents in our responsibility as signatories of The Hague Convention, which charges us, equally with the nations represented in the First Conference, with taking progressive and effective measures for the suppression of the use of prepared opium. If it is possible, we hope at this eleventh hour to save both ourselves and the signatories of the agreement of the First Conference from the just reproach which is sure to be measured out with unsparing hand to all who have made, or may make, themselves responsible for its provisions.

May I trespass on your time long enough to enable me to review the situation? At the Advisory Committee meeting in May, 1923, the Americans present contended for one instead of two conferences chiefly on the ground that The Hague Convention should be treated as a whole by all who had the duty in common of putting it into effect. We did not ask for a responsibility which belonged to others. We asked for opportunity to share in a responsibility in which The Hague Convention made no distinction between one signatory and another. However, our proposal was overruled and we acquiesced in the two conferences, though we are frank to admit that we took for granted that the results of the First Conference would be submitted to the Second Conference and not merely reported to the Council of the League. Indeed we thought that the conference of the smaller group was held first in order that the larger conference might make use of the findings in their own deliberations and action. The First Conference had a trust committed to it in behalf of all signatories of the Hague Convention. The countries concerned were invited to appoint plenipotentiaries charged with the task of reaching

"an agreement as to the measure for giving effective application in the Far Eastern territories to Part II of the convention and as to a reduction of the amount of raw opium to be imported for the purpose of smoking in those territories where it is temporarily continued, and as to the

measures which should be taken by the Government of the Republic of China to bring about the suppression of the illegal production and use of opium in China."

I desire to draw attention of the conference to the words "effective application in the Far Eastern territories to Part II of the convention" which binds the contracting powers to Art. 6 of Chap. II of the Hague Convention, "The contracting powers shall take measures for the gradual and effective suppression of the manufacture of, internal trade in, and use of, prepared opium." In the light of the review I have made and of the passages to which I have invited special attention I venture to ask you to examine with me how the First Conference fulfilled the trust committed to them.

The agreement reached is prefaced by words of single-minded purpose, so solemn and forceful that we are led to expect under the fifteen articles of the agreement measures of equal clarity, potency, and single-mindedness to put the purpose into effect. "Being fully determined to bring about the gradual and effective suppression of the manufacture of, internal trade in and use of prepared opium, as provided for in Chap. II of the International Opium Convention of January 23, 1912" and "being desirous on the grounds of humanity of taking all possible steps for achieving that object at the earliest possible date," representatives of eight countries, armed with the most powerful authority a government can bestow, produced that which they produced.

Art. I is concerned with the establishment of a monopoly of the Government. It proposes a new administrative measure leaving the substance of the problem untouched. It is not compulsory and at best is a hesitating step. Were it made clear by the balance of the articles that the monopoly was a temporary measure looking toward a yearly decrease in the use of prepared opium until on a given date it would be outlawed and would cease, we might look upon this article with equanimity or even satisfaction. Such is not the case. In my judgment a monopoly of the Government can never be other than a hazardous experiment except as a temporary expedient for a specified purpose and a limited period.

We are surprised at the nature of Articles II, III, and IV which deal respectively with the prohibition of the sale of opium to minors, the exclusion of minors from opium divans, and the limitation of retail shops and divans. The inclusion of such articles at this stage of affairs is rather like the insertion of the multiplication table in the middle of a treatise on differential calculus. Presumably the protection of children and the limitation of shops and divans was the earliest step taken a decade since towards the suppression of opium abuse. At the last moment an effort was made to enlarge Art. II by giving consideration

to the welfare of adults as well as minors. It was defeated, though the article was lengthened to read as follows:

"The sale of opium to minors shall be prohibited. All possible steps shall be taken by the contracting powers to prevent the spread of the habit of opium smoking among minors."

What is the excuse for refraining from the pledge to use measures to prevent the spread of the habit among adults? The only reason that suggests itself to the average man is that the parties concerned do not wish such restriction.

It is worthy of note that Art. IV uses the emasculating phrase "as much as possible." Also the word "divan" is substituted for the word "den" which occurs in the Hague Convention. To what end? A base metal does not become gold when it is polished. I cannot see that anything has been done to opium "dens" or "dives" to entitle them with the honorific and euphonious title of "divans."

It appears to me that some embarrassment may be caused to such Governments as have long since dealt with the subjects of Arts. II, III and IV. By signing a document in which they occur they imply that they have been guilty up to now of the most elementary duty. I dare not think so meanly of the nations responsible for these articles as to suppose that there are not some at least who have never connived, directly or indirectly, at corrupting children. The position of a signatory who is clean of the crime is very like that of a man who has never beaten his wife making an agreement with one guilty of the habit, that he will stop beating his wife.

Art. V is good. Though it does not explicitly say so, the implication is that dross will not be sold by the monopoly. Of course it will tend to increase the sale of prepared opium which will be to the advantage of the monopoly. Without many safeguards the monopoly tends to stabilize a bad traffic and to expose the Governments concerned to the lure of increased revenue. It has been frequently contended that the matter of revenue is unimportant and in one instance during this conference I was charged with being ungenerous in referring to vested interests. Such protestations are empty as long as the fact abides that revenues, whether large or small are received and not immediately expended on the prevention and treatment of addicts or such other measures as will put into effect the provisions of Chap. II.

Sections 1 and 2 of Art. VI dealing with the prohibition of export from, and transit through, countries into which opium is imported for the purpose of smoking is necessary and good as an administrative measure. Section 3 of the article, though bearing the evident marks of compromise, is also useful for administrative and regulative purposes. The value of the article is minimized by the character of the document of which it is a part.

When I deal with Art. VII, I fear that my language will laugh even though I succeed in keeping my lips free from a smile. It starts out well—"The contracting powers shall use their utmost efforts by suitable instruction in the schools, dissemination of literature and otherwise, to discourage the use of prepared opium within their respective territories." So far, so good. We did this early in our anti-opium activities in the Philippincs. But why, oh why, does not the article stop here? It would take a sophist or even a Mephistopheles to explain why so simple and honest a plan should have been marred and defeated by having tacked to it the words "except when a Government considers such measures undesirable under the conditions existing in its territory." The article begins with "utmost efforts" and closes by as fine a piece of hedging as any gambler ever employed at a horse race. It is trifling with principles and playing with language in a solemn covenant. This one thing is sure, if it were the children of our own body and homes who were concerned, we would not tolerate it. Why then should we tolerate it for the children of the Orient?

Art. VIII is purely administrative touching what is probably going on now—mutual assistance in dealing with illicit traffic. It does not necessarily have anything to do with the suppression of opium smoking.

Art. IX is a gem. What less can you possibly do than "examine in the most favorable spirit the possibility of taking legislative measures to render punishable illegitimate transactions which are carried out in another country by a person residing within their territories"? There is no call for examining definite measures, but for examining "the possibility" for such measures. Its extreme caution suggests that of the young clerk who failed to come to the office because he was "threatened with the symptoms of malaria."

Art. X is the bleached skeleton remaining of what might have been a great step forward—the proposal for a system of licensing and rationing which is indispensable for a monopoly that is "fully determined to bring about the gradual and effective suppression" of the use of prepared opium. As it reads, it is a bundle of bones without a body, a tree without sap—"The contracting powers will furnish all information which they can obtain with regard to the number of opium smokers."

Art. XI provides that the preceding article "shall not apply to opium destined solely for medical and scientific purposes."

Art. XII is an agreement for joint review from time to time of "the position in regard to the application of Chapter II," the first meeting to take place not later than 1929. This is the best article of the agreement, though I confess, after a study of the whole agreement, that I wonder whether successive meetings are not likely to be on the same plane as the present one.

The last three articles of the agreement are formal, relative to ratification, denunciation, etc.

The agreement has nothing in it touching the last part of resolution V of the Assembly which called for "an agreement . . . as to the measures which should be taken by the Government of the Republic of China to bring about the suppression of the illegal production and use of opium in China." That China is blameless in the matter is a claim which the Chinese themselves would not advance. The members of the Chinese delegation who sat in the First Conference and also sit in the Second represent a central government whose laws respecting the use of prepared opium are so uncompromising as to be unequalled for their severity by those of any other Government. . . . That they are not carried into effect is due for the most part to a condition of affairs over which the central government has no present control. The Chinese delegation deplore the fact and have asked that their assurances of good faith and fixed determination to be loyal to their principles and purposes be accepted. Their Government is pledged to practical action to the summit of its executive and administrative ability. Some article embracing the foregoing would have been desirable, and at any rate no more vague than some at least of the articles of the agreement as it stands. Though the Chinese, like every other nation, are jealous of their sovereignty and suspect anything which might threaten to impinge upon it, I cannot but feel that some reasonable offer of a cooperative character from neighboring countries which are, in greater or lesser degree, dependent upon Chinese resident in them for labor, would have been an encouragement, and a part solution of the problem. For instance, that they would move *pari passu* with China in the matter of suppression whether by immediate prohibition or graduated stages, from the moment the Chinese Government was in a position to take effective action; that they would refuse admission into their territories of Chinese addicts; that they would look on addiction as disease and treat addicts accordingly; that they would adopt the system of licensing and rationing, inviting China to do the same; that the most vigorous and wise propaganda against the use of prepared opium be organized by all countries concerned, beginning with children and extending to every section of society; that they would use as much of their opium revenue as was necessary for carrying out effectively the foregoing measures. China might not have liked some of these proposals. Never mind; for the balance of the eight countries it would have placed the shoe on the other foot. Granting, as I freely do, the enormous handicap which conditions in China impose on nations holding Oriental possessions where the Chinese are a large and indispensable factor, we must not allow ourselves to forget that we Western nations have had some share in making China what she is. We cannot therefore sit passive.

Such then is the agreement of the First Conference as it stands, and such are some of the provisions which it seems to me might even now redeem it, if they could be inserted in the findings of the Second Conference. When we contemplate the tremendous machinery called into being for the creation of the document that lies before me—Advisory Committee, Council, Assembly of the League of Nations, International Conference with plenipotentiary reprcsentatives—it is like requisitioning a steam hammer for splitting rock and then cracking a walnut with it. The document bears the marks of too many compromises—indeed it is a bundle of compromises reducing the whole great enterprise to the lowest common denominator. As that lion-hearted man, M. Léon Bourgeois, said to me a year ago, on compromise: "He who kisses too often, kisses badly." I fear the best I can say about the document is in the terms of a Latin proverb—*Montes parturiunt, nascitur ridiculus mus* (The mountain are in the pangs of birth; there is born a ridiculous mouse). The best I can hope for it is that it will not be ratified or even signed as it stands. What I have said is not prompted by the critical spirit or any desire to say harsh words about the work of my colleagues. I simply wish to save them and our common cause, as far as in me lies, from the reprobation that will surely greet the meager fruit of their labors. I wish that the creators of this convention might agree as delegates to the Second Conference to waive all matters of competence and themselves propose the consideration of the constructive suggestions embodied in this appeal. Unless something is done color will be given to the charge that Western nations having Eastern possessions are callous to the vital interests of the very people upon whom the welfare of such possessions depends, and to the further charge that we of the West have a law of self-protection for ourselves and a law of exploitation for those who ought to be counted our friends when they are not our wards. Most of all to be deplored is the fact that Christ and His religion are brought under reproach and put to open shame.

How is it going to look to the world, if we continue with our program as at present constructed, safeguarding our own national interests and leaving a vast section of the great Orient unaided and alien? Is it just for an international conference of such weight and solemnity as this to deal with the 10% of the subject which affects Europe and America, leaving almost untouched the other 90% which affects Asia? I was bold enough to say when I first spoke in this conference that it stands for more than the special questions which it was convened to consider. It stands for that mutual cooperation and sympathy which bridges oceans. It stands for equal justice for the peoples of the East, the peoples of the West, the peoples of the North, the peoples of the South. It stands in short for the peace of the world.

## APPENDIX XII

# LETTER FROM THE DELEGATION OF THE UNITED STATES OF AMERICA TO THE PRESIDENT OF THE SECOND OPIUM CONFERENCE[1]

Geneva, February 6, 1925.

My dear Mr. President,

I have the honor to inform you that, in pursuance of authorization of the President of the United States, this delegation, to its deep regret, finds itself unable longer to participate in the deliberations of the Opium Conference. The reasons for this action are more fully set forth in the enclosed memorandum.

In taking leave, permit me, on behalf of the delegation, to say that we are deeply sensible of the consideration and kindness of our colleagues in the conference, and to express to you and to the officers and Secretariat our appreciation of the uniform courtesy and the cheerful, untiring and efficient service which have been shown to the delegation.

I am, my dear Mr. President,

Very sincerely yours,

(Signed) STEPHEN G. PORTER, *Chairman.*

## MEMORANDUM

The League of Nations on October 18, 1923, extended an invitation to the powers signatory to the Hague Convention, including the United States, to participate in an International Conference which was called for the purpose of giving effect to the following principles, subject to reservations made by certain nations regarding smoking opium:

"1. If the purpose of the Hague Opium Convention is to be achieved according to its spirit and true intent, it must be recognized that the use of opium products for other than medical and scientific purposes is an abuse and not legitimate.

"2. In order to prevent the abuse of these products it is necessary to exercise the control of the production of raw opium in such a manner that there will be no surplus available for nonmedical and nonscientific purposes."

[1]O. D. C. 101.

The Joint Resolution adopted by the Congress of the United States, May 15, 1924, authorizing our participation in the present conference quoted the principles referred to in the preamble and expressly stipulated:

"That the representatives of the United States shall sign no agreement which does not fulfill the conditions necessary for the suppression of the narcotic drug traffic as set forth in the preamble."

Despite more than two months of discussion and repeated adjournments, it now clearly appears that the purpose for which the conference was called cannot be accomplished. The reports of the various committees of the conference plainly indicate that there is no likelihood under present conditions that the production of raw opium and coca leaves will be restricted to the medicinal and scientific needs of the world. In fact, the nature of the reservations made show that no appreciable reduction in raw opium may be expected.

It was hoped that if the nations in whose territories the use of smoking opium is temporarily permitted would, in pursuance of the obligation undertaken under Chap. II of the Hague Convention, adopt measures restricting the importation of raw opium for the manufacture of smoking opium or would agree to suppress the traffic within a definite period, such action would materially reduce the market for raw opium and an extensive limitation of production would inevitably follow. Unfortunately, however, these nations, with the exception of Japan, are not prepared to reduce the consumption of smoking opium unless the producing nations agree to reduce production and prevent smuggling from their territories and then only in the event of an adequate guaranty being given that the obligations undertaken by the producing nations would be effectively and promptly fulfilled. No restriction of the production of raw opium under such conditions can be expected.

In the matter of manufactured drugs and the control of transportation an improvement over the Hague Convention is noticeable. There is, however, no likelihood of obtaining a complete control of all opium and coca leaf derivatives. Irrespective of the measure of control provided for manufactured drugs, it is believed that, by reason of the very small bulk, the ease of transportation with minimum risk of detection and the large financial gains to be obtained from their illicit handling, such drugs and their derivatives can only be effectively controlled if the production of the raw opium and coca leaves from which they are obtained is strictly limited to medical and scientific purposes. This the conference is unable to accomplish.

In the circumstances, the delegation of the United States, in pursuance of instructions received from its Government, has no alternative, under the terms of the Joint Resolution authorizing participation in the con-

ference, other than to withdraw, as it could not sign the agreement which it is proposed to conclude. We desire to make it clear that withdrawal from the present conference does not mean that the United States will cease its efforts through international cooperation for the suppression of the illicit traffic in opium and other dangerous drugs. The United States recognizes that the world-wide traffic in habit-forming drugs can be suppressed only by international cooperation but believes that for the present at least greater strides in the control of the traffic may be hoped for if it should continue to work toward this end upon the basis of the Hague Convention of 1912.

February 6th, 1925

# APPENDIX XIII

## DOCUMENTS OF THE FIRST OPIUM CONFERENCE SIGNED AT GENEVA, FEBRUARY 11, 1925[1]

### *a.* AGREEMENT

THE BRITISH EMPIRE (WITH INDIA), CHINA, FRANCE, JAPAN, THE NETHERLANDS, PORTUGAL AND SIAM,

Being fully determined to bring about the gradual and effective suppression of the manufacture of, internal trade in and use of prepared opium, as provided for in Chap. II of the International Opium Convention of January 23, 1912, in their Far Eastern possessions and territories, including leased or protected territories, in which the use of prepared opium is temporarily authorized; and

Being desirous, on the grounds of humanity and for the purpose of promoting the social and moral welfare of their peoples, of taking all possible steps for achieving the suppression of the use of opium for smoking with the least possible delay;

Having decided to conclude an agreement supplementary to the said International Convention;

Have nominated for this purpose as their plenipotentiaries:

His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India: Sir Malcolm DELEVINGNE, K.C.B., Assistant Under-Secretary of State for the Home Department,

And for India: Mr. Harold CLAYTON, C.I.E., I.C.S.,

The President of the Chinese Republic:

The President of the French Republic: Mr. Ed. DALADIER, Minister for the Colonies,

His Majesty the Emperor of Japan: Mr. Sagataro KAKU, former Civil Governor of the General Government of Taiwan, Mr. Yotaro SUGIMURA, Counsellor of Embassy, Assistant Head of the Imperial Japanese Bureau accredited to the League of Nations,

Her Majesty the Queen of the Netherlands: Mr. W. G. van WETTUM, former Head of the Opium Régie Department in the Netherlands Indies; Mr. de KAT ANGELINO, Secretary for Chinese Affairs to the Government of the Netherlands Indies,

The President of the Portuguese Republic: Mr. A. Bartholomeu FERREIRA, Envoy Extraordinary and Minister Plenipotentiary of the Portuguese Republic to the Swiss Federal Council; Mr. Rodrigo RODRIGUES, Governor of the Province of Macao,

[1]C. 82. M. 41. 1925. XI. [C. O. P. 57 (1).]

His Majesty the King of Siam: H.S.H. Prince DAMRAS, Siamese chargé d'affaires at The Hague,

Who, having examined the present situation in regard to the application of Chap. II of the said International Opium Convention in the abovementioned Far Eastern possessions and territories; and

Taking note of the fact that the increase of the smuggling of opium in the greater part of the territories in the Far East since the ratification of the convention is hampering greatly the accomplishment of the gradual and effective suppression of the manufacture of, internal trade in, and use of prepared opium, as provided for in the convention, and is even rendering less effective some of the measures already taken for that end; and

Taking into account the different situations of the several countries,

Having deposited their full powers found in good and due form;

Have agreed as follows:—

Art. I. 1. Except as provided in paragraph 3 of this article with regard to retail sale, the importation, sale and distribution of opium shall be a monopoly of the Government and the right to import, sell or distribute opium shall not be leased, accorded or delegated to any persons whatever.

2. The making of prepared opium for sale shall also be made a monopoly of the Government as soon as circumstances permit.

3. (*a*) The system of employing persons paid by a fixed salary and not by a commission on sales for the retail sale and distribution of opium shall be applied experimentally in those districts where an effective supervision can be exercised by the administrative authorities.

(*b*) Elsewhere the retail sale and distribution of opium shall be conducted only by persons licensed by the Government.

Paragraph (*a*) need not be applied if a system of licensing and rationing of smokers is in force which affords equivalent or more effective guaranties.

Art. II. The sale of opium to minors shall be prohibited. All possible steps shall be taken by the contracting powers to prevent the spread of the habit of opium smoking among minors.

Art. III. No minors shall be permitted to enter any smoking divan.

Art. IV. The contracting powers shall limit as much as possible the number of retail shops and, where smoking divans are permitted, the number of divans.

Art. V. The purchase and sale of "dross," except when the "dross" is sold to the monopoly, is prohibited.

Art. VI. (1) The export of opium, whether raw or prepared, from any possession or territory into which opium is imported for the purpose of smoking shall be prohibited.

(2) The transit through, or transshipment in, any such possession or territory of prepared opium shall be prohibited.

(3) The transit through, or transshipment in, any such possession or territory of raw opium consigned to a destination outside the possession or territory shall also be prohibited unless an import certificate, issued by the Government of the importing country, which can be accepted as affording sufficient guaranties against the possibility of illegitimate use, is produced to the Government of the possession or territory.

Art. VII. The contracting powers shall use their utmost efforts by suitable instruction in the schools, dissemination of literature and otherwise, to discourage the use of prepared opium within their respective territories, except where a Government considers such measures to be undesirable under the conditions existing in its territory.

Art. VIII. The contracting powers undertake to assist one another in their efforts to suppress the illicit traffic by the direct exchange of information and views between the heads of the services concerned.

Art. IX. The contracting powers will examine in the most favorable spirit the possibility of taking legislative measures to render punishable illegitimate transactions which are carried out in another country by a person residing within their territories.

Art. X. The contracting powers will furnish all information which they can obtain with regard to the number of opium smokers. This information shall be transmitted to the Secretary-General of the League of Nations for publication.

Art. XI. The provisions of this agreement shall not apply to opium destined solely for medical and scientific purposes.

Art. XII. The contracting powers agree that they will jointly review from time to time at such dates as may be mutually agreed, the position in regard to the application of Chap. II of the Hague Convention of January 23, 1912, and of the present agreement. The first meeting shall take place at latest in 1929.

Art. XIII. The present agreement applies only to the Far Eastern possessions or territories of the contracting powers, including leased or protected territories, in which the use of prepared opium is temporarily authorized.

At the moment of ratification any contracting power may declare that its acceptance of the agreement does not include any territory over which it exercises only a protectorate; and may accede subsequently in respect of any protectorate thus excluded by means of a notification of accession deposited with the Secretary-General of the League of Nations who shall forthwith notify the accession to all the other contracting powers.

Art. XIV. The present agreement, of which the French and English texts are both authentic, shall be subject to ratification.

The deposit of ratification shall be made at the Secretariat of the League of Nations as soon as possible.

The agreement shall not come into force until it has been ratified by two powers. The date of its coming into force shall be the 90th day after the receipt by the Secretary-General of the League of Nations of the second ratification. Thereafter the Agreement shall take effect for each contracting power 90 days after the receipt of its ratification.

The agreement shall be registered by the Secretary-General of the Leaguc of Nations upon the day of its coming into force.

Art. XV. If one of the contracting powers should wish to denounce the present agreement, the denunciation shall be notified in writing to the Secretary-General of the League of Nations who will immediately communicate a copy of the notification to all the other powers, informing them of the date on which it was received.

The denunciation shall take effect only as regards the power which notified it, and one year after the notification thereof has reached the Secretary-General.

In faith whereof the above-named plenipotentiaries have signed the present agreement.

Done at Geneva, the eleventh day of February of nineteen hundred and twenty-five, in a single copy which shall remain deposited in the archives of the Secretariat of the League of Nations, and of which authenticated copies shall be transmitted to all the contracting powers.

British Empire:
Malcolm Delevingne.
India:
Harold Clayton.
China:
France:
Ed. Daladier.
Japan:
S. Kaku.
Y. Sugimura.

The Netherlands:
V. Wettum.
A. D. A. de Kat Angelino.

Portugal:
A. M. Bartholomeu Ferreira.
Rodrigo J. Rodrigues.

Siam:
Damras.

### *b.* PROTOCOL

The undersigned representatives of the States signatory to the agreement relating to the use of prepared opium signed this day, duly authorized to that effect;

Anxious to insure the complete and final execution of the obligations, and to strengthen the undertakings assumed by them under Art. VI of the Hague Convention of 1912;

Taking note of the fact that the Second Opium Conference has decided to adopt a protocol by which certain powers are to establish within five years at latest an effective control over the production, distribution and export of raw opium, so as to prevent illicit traffic;

Hereby agree as follows:

Art. I. The States signatories of the present protocol recognize that the provisions of the agreement signed this day are supplementary to, and designed to facilitate the execution of the obligation assumed by the signatory States under Art. VI of the Hague Convention of 1912, which obligation remains in full force and effect.

Art. II. As soon as the poppy-growing countries have insured the effective execution of the necessary measures to prevent the exportation of raw opium from their territories from constituting a serious obstacle to the reduction of consumption in the countries where the use of prepared opium is temporarily authorized, the States signatories of the present protocol will strengthen the measures already taken in accordance with Art. VI of the Hague Convention of 1912, and will take any further measures which may be necessary, in order to reduce consumption of prepared opium in the territories under their authority, so that such use may be completely suppressed within a period of not more than fifteen years from the date of the decision referred to in the following article.

Art. III. A commission to be appointed at the proper time by the Council of the League of Nations shall decide when the effective execution of the measures, mentioned in the preceding article, to be taken by the poppy-growing countries has reached the stage referred to in that article. The decision of the commission shall be final.

Art. IV. In the event of any of the States signatories of the present protocol finding, at any time during the period of fifteen years referred to in Art. II, that the measures to be taken by the poppy-growing countries, referred to in the said article, are no longer being effectively executed, such State shall have the right to bring the matter to the notice of the Council of the League of Nations. If the Council, whether by the report of a commission appointed by it to investigate and report upon the facts, or by any other information at its disposal is satisfied that the facts are as stated, the States concerned will be entitled to denounce the present protocol. In that case a conference of the States concerned shall at once be held to consider the action to be taken.

Art. V. During the year preceding the end of the period of fifteen years referred to in Art. II, a special conference of the States signatories of the present protocol shall be held to consider the measures to be taken in regard to habitual addicts whose pathological condition is certified by the medical authorities of the country concerned.

Art. VI. The States signatories of the present protocol will co-ordinate their efforts to effect the complete and final suppression of the use of prepared opium. In order to attain this object as soon as possible the said States, recognizing the difficulties at present experienced by certain powers in establishing an effective control over the production, distribu-

tion and exportation of raw opium, make a pressing appeal to the poppy-growing countries for the establishment between all the States concerned of a sincere and energetic collaboration which will lead to the termination of the illicit traffic.

Art. VII. The present protocol shall come into force for each of the signatory States at the same time as the agreement relating to the use of prepared opium signed this day.

Art. VIII. Any State represented at the conference at which the present protocol was drawn up may accede to it at any time after its coming into force.

Done at Geneva, the eleventh day of February, one thousand nine hundred and twenty-five.

[Here follow signatures.]

### c. FINAL ACT ON THE APPLICATION IN THE FAR EAST OF CHAPTER II OF THE INTERNATIONAL OPIUM CONVENTION OF JANUARY 23, 1912

The conference convened by the Council of the League of Nations in accordance with the resolution adopted by the Assembly of the League on September 27, 1923, met in the offices of the Secretariat of the League on November 3, 1924.

The Governments below enumerated took part in the conference, for which they had appointed the following plenipotentiaries:

[Here follow names.][1]

At a series of meetings, the conference drew up the supplementary agreement and the protocol which bear this day's date.

The conference, with the exception of the Chinese delegation, further adopted the following resolution:—

It has been pointed out to the conference that in some countries the system of licenses (or registration) and rationing has been successful in diminishing the number of smokers.

At the same time, the conference has found that, in other countries, the contraband trade which equals and even surpasses in extent the legitimate trade, renders the application of this system difficult, and in the

[1]John Campbell is given as an Indian delegate in addition to Mr. Clayton, and the Chinese delegation is as follows: His Excellency Mr. Sao Ke Alfred Sze, Ambassador, Envoy Extraordinary and Minister Plenipotentiary to the United States of America, His Excellency Mr. Wang Kouang Ky, Envoy Extraordinary and Minister Plenipotentiary to Her Majesty the Queen of the Netherlands, His Excellency Mr. Chao-Hsin Chu, Minister Plenipotentiary, Chargé d'Affaires in London.

Otherwise, the list is the same as in the Agreement.

opinion of the Governments in question, useless and in some cases dangerous.

Accordingly, the conference declares that the possibility of adopting these measures or of maintaining them in those territories where they are now working successfully, depends principally upon the extent of the contraband trade.

It therefore leaves to the contracting powers which have not yet applied this system the duty of selecting the moment when circumstances will allow of its adoption and of taking in the meantime all such preparatory measures as they may deem expedient.

The representative of the British Empire declared that he signed the protocol subject to the following declaration:—

I declare that my signature of this protocol is subject, in respect of British Protectorates, to the conditions contained in Art. XIII of the agreement signed this day.

The representative of Portugal, on signing the agreement, made the following declarations:—

(1) The Portuguese Government, while accepting the principle of a monopoly as formulated in Art. I, does so, as regards the moment at which the measures provided for in the first paragraph thereof shall come into force, subject to the limitation contained in the second paragraph of the article.

(2) The Portuguese Government being bound by a contract consistent with the provisions of the Hague Convention of 1912, will not be able to put into operation the provisions of paragraph 1 of Art. 6 of the present agreement so long as its obligations under this contract are in force.

The representative of Siam declared that he signed the agreement subject to the following declaration:—

The Siamese delegation is instructed to sign the agreement under reservation of Art. I, paragraph 3 (*a*) with regard to the time when this provision shall come into force and of Art. V. The reason for these reservations has been stated by the First Delegate of Siam on November 14, 1924. The Siamese Government is hoping to put into force the system of registration and rationing within the period of three years. After that date, the reservation in regard to Art. I, paragraph 3 (*a*) will fall to the ground.

In witness whereof, the above-named plenipotentiaries have signed the present act.

Done at Geneva, the eleventh day of February, nineteen hundred and twenty-five, in a single copy which shall remain deposited in the Secretariat of the League of Nations and of which authenticated copies shall be transmitted to all the powers represented at the conference.

# APPENDIX XIV

## DOCUMENTS OF THE SECOND OPIUM CONFERENCE[1]

### Signed at Geneva, February 19, 1925

### *a.* CONVENTION

Taking note of the fact that the application of the provisions of the Hague Convention of January 23, 1912, by the contracting parties has produced results of great value, but that the contraband trade in and abuse of the substances to which the convention applies still continue on a great scale;

Convinced that the contraband trade in and abuse of these substances can not be effectually suppressed except by bringing about a more effective limitation of the production or manufacture of the substances, and by exercising a closer control and supervision of the international trade, than are provided for in the said convention;

Desirous therefore of taking further measures to carry out the objects aimed at by the said convention and to complete and strengthen its provisions;

Realizing that such limitation and control require the close cooperation of all the contracting parties;

Confident that this humanitarian effort will meet with the unanimous adhesion of the nations concerned:

Have decided to conclude a convention for this purpose.

The high contracting parties have accordingly appointed as their plenipotentiaries:

[Here follow the names of heads of States and their plenipotentiaries.]

who, after communicating their full powers, found in good and due form, have agreed as follows:

### Chapter I. *Definitions*

Art. I. The contracting parties agree to adopt the following definitions for the purposes of the present convention:

*Raw Opium.*—"Raw opium" means the spontaneously coagulated juice obtained from the capsules of the Papaver somniferum L., which has only been submitted to the necessary manipulations for packing and transport, whatever its content of morphine.

*Medicinal Opium.*—"Medicinal opium" means raw opium which has

[1]C. 88. M. 44. 1925. XI. [O. D. C. 106 (3); O. D. C. 7 (2); O. D. C. 130 (1).]

undergone the processes necessary to adapt it for medicinal use in accordance with the requirements of the national pharmacopœia, whether in powder form or granulated or otherwise or mixed with neutral materials.

*Morphine.*—"Morphine" means the principal alkaloid of opium having the chemical formula $C_{17}H_{19}NO_3$.

*Diacetylmorphine.*—"Diacetylmorphine" means diacetylmorphine (diamorphine, heroin) having the formula $C_{21}H_{23}NO_5$.

*Coca Leaf.*—"Coca leaf" means the leaf of the Erythroxylon Coca Lamarck and the Erythroxylon novo-granatense (Morris) Hieronymus and their varieties, belonging to the family of Erythroxylaceæ and the leaf of other species of this genus from which it may be found possible to extract cocaine either directly or by chemical transformation.

*Crude Cocaine.*—"Crude cocaine" means any extract of the coca leaf which can be used directly or indirectly for the manufacture of cocaine.

*Cocaine.*—"Cocaine" means methyl-benzoyl lævo-ecgonine ($[\alpha]$ D20° = —16°4) in 20 per cent solution of chloroform, of which the formula is $C_{17}H_{21}NO_4$.

*Ecgonine.*—"Ecgonine" means lævo-ecgonine ($[\alpha]$ D20° = —45°6 in 5% solution of water), of which the formula is $C_9H_{15}NO_3 . H_2O$, and all the derivatives of lævo-ecgonine which might serve industrially for its recovery.

*Indian Hemp.*—"Indian hemp" means the dried flowering or fruiting tops of the pistillate plant Cannabis sativa L. from which the resin has not been extracted, under whatever name they may be designated in commerce.

## Chapter II. *Internal Control of Raw Opium and Coca Leaves*

Art. 2. The contracting parties undertake to enact laws and regulations to insure the effective control of the production, distribution and export of raw opium, unless laws and regulations on the subject are already in existence; they also undertake to review periodically, and to strengthen as required, the laws and regulations on the subject which they have enacted in virtue of Art. 1 of the Hague Convention of 1912 or of the present convention.

Art. 3. Due regard being had to the differences in their commercial conditions, the contracting parties shall limit the number of towns, ports or other localities through which the export or import of raw opium or coca leaves shall be permitted.

## Chapter III. *Internal Control of Manufactured Drugs*

Art. 4. The provisions of the present chapter apply to the following substances:

(*a*) Medicinal opium;

(*b*) Crude cocaine and ecgonine;

(*c*) Morphine, diacetylmorphine, cocaine and their respective salts;

(*d*) All preparations officinal and non-officinal (including the so-called anti-opium remedies) containing more than 0.2 per cent of morphine or more than 0.1 per cent of cocaine;

(*e*) All preparations containing diacetylmorphine;

(*f*) Galenical preparations (extract and tincture) of Indian hemp;

(*g*) Any other narcotic drug to which the present convention may be applied in accordance with Article 10.

Art. 5. The contracting parties shall enact effective laws or regulations to limit exclusively to medical and scientific purposes the manufacture, import, sale, distribution, export and use of the substances to which this chapter applies. They shall cooperate with one another to prevent the use of these substances for any other purposes.

Art. 6. The contracting parties shall control all persons manufacturing, importing, selling, distributing or exporting the substances to which this chapter applies, as well as the buildings in which these persons carry on such industry or trade.

With this object, the contracting parties shall:

(*a*) Confine the manufacture of the substances referred to in Art. 4 (*b*), (*c*) and (*g*) to those establishments and premises alone which have been licensed for the purpose.

(*b*) Require that all persons engaged in the manufacture, import, sale, distribution, or export of the said substances shall obtain a license or permit to engage in these operations;

(*c*) Require that such persons shall enter in their books the quantities manufactured, imports, exports, sales and all other distribution of the said substances. This requirement shall not necessarily apply either to supplies dispensed by medical practitioners or to sales by duly authorized chemists on medical prescriptions, provided in each case that the medical prescriptions are filed and preserved by the medical practitioner or chemist.

Art. 7. The contracting parties shall take measures to prohibit, as regards their internal trade, the delivery to or possession by any unauthorized persons of the substances to which this chapter applies.

Art. 8. In the event of the Health Committee of the League of Nations, after having submitted the question for advice and report to the Permanent Committee of the Office international d'Hygiène publique in Paris, finding that any preparation containing any of the narcotic drugs referred to in the present chapter cannot give rise to the drug habit on account of the medicaments with which the said drugs are compounded and which in practice preclude the recovery of the said drugs, the Health Committee shall communicate this finding to the Council of the League of Nations. The Council will communicate the finding to the contracting parties, and thereupon the provisions of the present convention will not be applicable to the preparation concerned.

Art. 9. Any contracting party may authorize the supply to the public by chemists, at their own discretion, as medicines, for immediate use in urgent cases, of the following opiate officinal preparations: tincture of opium, Sydenham laudanum and Dover powder. The maximum dose, however, which may be supplied in such cases must not contain more than 25 centigrams of officinal opium, and the chemist must enter in his books the quantities supplied, as provided in Art. 6 (*c*).

Art. 10. In the event of the Health Committee of the League of Nations, after having submitted the question for advice and report to the Permanent Committee of the Office international d'Hygiène publique in Paris, finding that any narcotic drug to which the present convention does not apply is liable to similar abuse and productive of similar ill-effects as the substances to which this chapter of the convention applies, the Health Committee shall inform the Council of the League accordingly and recommend that the provisions of the present convention shall be applied to such drug.

The Council of the League shall communicate the said recommendation to the contracting parties. Any contracting party which is prepared to accept the recommendation shall notify the Secretary-General of the League, who will inform the other contracting parties.

The provisions of the present convention shall thereupon apply to the substance in question as between the contracting parties who have accepted the recommendation referred to above.

## Chapter IV. *Indian Hemp*

Art. 11. 1. In addition to the provisions of Chap. V of the present convention, which shall apply to Indian hemp and the resin prepared from it, the contracting parties undertake:

(*a*) To prohibit the export of the resin obtained from Indian hemp and the ordinary preparations of which the resin forms the base (such as hashish, esrar, chiras, djamba) to countries which have

prohibited their use, and, in cases where export is permitted, to require the production of a special import certificate issued by the Government of the importing country stating that the importation is approved for the purposes specified in the certificate and that the resin or preparations will not be re-exported;

(*b*) Before issuing an export authorization under Art. 13 of the present convention, in respect of Indian hemp, to require the production of a special import certificate issued by the Government of the importing country and stating that the importation is approved and is required exclusively for medical or scientific purposes.

2. The contracting parties shall exercise an effective control of such a nature as to prevent the illicit international traffic in Indian hemp and especially in the resin.

## Chapter V. *Control of International Trade*

Art. 12. Each contracting party shall require a separate import authorization to be obtained for each importation of any of the substances to which the present convention applies. Such authorization shall state the quantity to be imported, the name and address of the importer and the name and address of the exporter.

The import authorization shall specify the period within which the importation must be effected and may allow the importation in more than one consignment.

Art. 13. 1. Each contracting party shall require a separate export authorization to be obtained for each exportation of any of the substances to which the present convention applies. Such authorization shall state the quantity to be exported, the name and address of the exporter and the name and address of the importer.

2. The contracting party, before issuing such export authorization, shall require an import certificate, issued by the Government of the importing country and certifying that the importation is approved, to be produced by the person or establishment applying for the export authorization.

Each contracting party agrees to adopt, so far as possible, the form of import certificate annexed to the present convention.

3. The export authorization shall specify the period within which the exportation must be effected, and shall state the number and date of the import certificate and the authority by whom it has been issued.

4. A copy of the export authorization shall accompany the consignment, and the Government issuing the export authorization shall send a copy to the Government of the importing country.

5. The Government of the importing country, when the importation

has been effected, or when the period fixed for the importation has expired, shall return the export authorization, with an endorsement to that effect, to the Government of the exporting country. The endorsement shall specify the amount actually imported.

6. If a less quantity than that specified in the export authorization is actually exported, the quantity actually exported shall be noted by the competent authorities on the export authorization and on any official copy thereof.

7. In the case of an application to export a consignment to any country for the purpose of being placed in a bonded warehouse in that country, a special certificate from the Government of that country, certifying that it has approved the introduction of the consignment for the said purpose, may be accepted by the Government of the exporting country in place of the import certificate provided for above. In such a case, the export authorization shall specify that the consignment is exported for the purpose of being placed in a bonded warehouse.

Art. 14. For the purpose of insuring the full application and enforcement of the provisions of the present convention in free ports and free zones, the contracting parties undertake to apply in free ports and free zones situated within their territories the same laws and regulations, and to exercise therein the same supervision and control, in respect of the substances covered by the said convention, as in other parts of their territories.

This article does not, however, prevent any contracting party from applying, in respect of the said substances, more drastic provisions in its free ports and free zones than in other parts of its territories.

Art. 15. 1. No consignment of any of the substances covered by the present convention which is exported from one country to another country shall be permitted to pass through a third country, whether or not it is removed from the ship or conveyance in which it is being conveyed, unless the copy of the export authorization (or the diversion certificate, if such a certificate has been issued in pursuance of the following paragraph) which accompanies the consignment is produced to the competent authorities of that country.

2. The competent authorities of any country through which a consignment of any of the substances covered by the present convention is permitted to pass shall take all due measures to prevent the diversion of the consignment to a destination other than that named in the copy of the export authorization (or the diversion certificate) which accompanies it, unless the Government of that country has authorized that diversion by means of a special diversion certificate. A diversion certificate shall only be issued after the receipt of an import certificate, in accordance with Art. 13, from the Government of the country to which it is proposed

to divert the consignment, and shall contain the same particulars as are required by Art. 13 to be stated in an export authorization, together with the name of the country from which the consignment was originally exported. All the provisions of Art. 13 which are applicable to an export authorization shall be applicable equally to the diversion certificate.

Further, the Government of the country authorizing the diversion of the consignment shall detain the copy of the original export authorization (or diversion certificate) which accompanied the consignment on arrival in its territory, and shall return it to the Government which issued it, at the same time notifying the name of the country to which the diversion has been authorized.

3. In cases where the transport is being effected by air, the preceding provisions of this article shall not be applicable if the aircraft passes over the territory of the third country without landing. If the aircraft lands in the territory of the said country, the said provisions shall be applied so far as the circumstances permit.

4. Paragraphs 1 to 3 of this article are without prejudice to the provisions of any international agreement which limits the control which may be exercised by any of the contracting parties over the substances to which the present convention applies when in direct transit.

5. The provisions of this article shall not apply to transport of the substances by post.

Art. 16. A consignment of any of the substances covered by the present convention which is landed in the territory of any contracting party and placed in a bonded warehouse shall not be withdrawn from the bonded warehouse unless an import certificate, issued by the Government of the country of destination and certifying that the importation is approved, is produced to the authorities having jurisdiction over the bonded warehouse. A special authorization shall be issued by the said authorities in respect of each consignment so withdrawn and shall take the place of the export authorization for the purpose of Art. 13, 14 and 15 above.

Art. 17. No consignment of the substances covered by the present convention while passing in transit through the territories of any contracting party or whilst being stored there in a bonded warehouse may be subjected to any process which would alter the nature of the substances in question or, without the permission of the competent authorities, the packing.

Art. 18. If any contracting party finds it impossible to apply any provision of this chapter to trade with another country by reason of the fact that such country is not a party to the present convention, such contracting party will only be bound to apply the provisions of this chapter so far as the circumstances permit.

## Chapter VI. *Permanent Central Board*

Art. 19. A Permanent Central Board shall be appointed, within three months from the coming into force of the present convention.

The Central Board shall consist of eight persons who, by their technical competence, impartiality and disinterestedness, will command general confidence.

The members of the Central Board shall be appointed by the Council of the League of Nations.

The United States of America and Germany shall be invited each to nominate one person to participate in these appointments.

In making the appointments, consideration shall be given to the importance of including on the Central Board, in equitable proportion, persons possessing a knowledge of the drug situation, both in the producing and manufacturing countries on the one hand and in the consuming countries on the other hand, and connected with such countries.

The members of the Central Board shall not hold any office which puts them in a position of direct dependence on their Governments.

The members shall be appointed for a term of five years, and they will be eligible for re-appointment.

The Central Board shall elect its own President and shall settle its rules of precedure.

At the meetings of the board, four members shall form a quorum.

The decisions of the board relative to Arts. 24 and 26 shall be taken by an absolute majority of the whole number of the board.

Art. 20. The Council of the League of Nations shall, in consultation with the board, make the necessary arrangements for the organization and working of the board, with the object of assuring the full technical independence of the board in carrying out its duties under the present convention, while providing for the control of the staff in administrative matters by the Secretary-General.

The Secretary-General shall appoint the secretary and staff of the board on the nomination of the board and subject to the approval of the Council.

Art. 21. The contracting parties agree to send in annually before December 31, to the Permanent Central Board set up under Art. 19, estimates of the quantities of each of the substances covered by the convention to be imported into their territory for internal consumption during the following year for medical, scientific and other purposes.

These estimates are not to be regarded as binding on the Government concerned, but will be for the purpose of serving as a guide to the Central Board in the discharge of its duties.

Should circumstances make it necessary for any country, in the course

of the year, to modify its estimates, the country in question shall communicate the revised figures to the Central Board.

Art. 22. 1. The contracting parties agree to send annually to the Central Board, in a manner to be indicated by the board, within three (in the case of paragraph (*c*) five) months after the end of the year, as complete and accurate statistics as possible relative to the preceding year, showing:

(*a*) Production of raw opium and coca leaves;

(*b*) Manufacture of the substances covered by Chap. III, Art. 4 (*b*) (*c*) and (*g*) of the present convention and the raw material used for such manufacture. The amount of such substances used for the manufacture of other derivatives not covered by the convention shall be separately stated;

(*c*) Stocks of the substances covered by Chaps. II and III of the present convention in the hands of wholesalers or held by the Government for consumption in the country for other than Government purposes;

(*d*) Consumption, other than for Government purposes, of the substances covered by Chaps. II and III of the present convention;

(*e*) Amounts of each of the substances covered by the present convention which have been confiscated on account of illicit import or export; the manner in which the confiscated substances have been disposed of shall be stated, together with such other information as may be useful in regard to such confiscation and disposal.

The statistics referred to in paragraphs (*a*) to (*e*) above shall be communicated by the Central Board to the contracting parties.

2. The contracting parties agree to forward to the Central Board, in a manner to be prescribed by the board, within four weeks after the end of each period of three months, the statistics of their imports from and exports to each country of each of the substances covered by the present convention during the preceding three months. These statistics will, in such cases as may be prescribed by the board, be sent by telegram, except when the quantities fall below a minimum amount which shall be fixed in the case of each substance by the board.

3. In furnishing the statistics in pursuance of this article, the Governments shall state separately the amounts imported or purchased for Government purposes, in order to enable the amounts required in the country for general medical and scientific purposes to be ascertained. It shall not be within the competence of the Central Board to question or to express any opinion on the amounts imported or purchased for Government purposes or the use thereof.

4. For the purposes of this article, substances which are held, imported, or purchased by the Government for eventual sale are not regarded as held, imported or purchased for Government purposes.

Art. 23. In order to complete the information of the board as to the

disposal of the world's supply of raw opium, the Governments of the countries where the use of prepared opium is temporarily authorized shall, in a manner to be prescribed by the board, in addition to the statistics provided for in Art. 22, forward annually to the board, within three months after the end of the year, as complete and accurate statistics as possible relative to the preceding year showing:

(1) The manufacture of prepared opium, and the raw material used for such manufacture;

(2) The consumption of prepared opium.

It is understood that it shall not be within the competence of the board to question or to express any opinion upon these statistics, and that the provisions of Art. 24 are not applicable to the matters dealt with in this article, except in cases where the board may find that illicit international transactions are taking place on an appreciable scale.

Art. 24. 1. The Central Board shall continuously watch the course of the international trade. If the information at its disposal leads the board to conclude that excessive quantities of any substance covered by the present convention are accumulating in any country, or that there is a danger of that country becoming a center of the illicit traffic, the board shall have the right to ask, through the Secretary-General of the League for explanations from the country in question.

2. If no explanation is given within a reasonable time or the explanation is unsatisfactory, the Central Board shall have the right to call the attention of the Governments of all the contracting parties and of the Council of the League of Nations to the matter, and to recommend that no further exports of the substances covered by the present convention or any of them shall be made to the country concerned until the board reports that it is satisfied as to the situation in that country in regard to the said substances. The board shall at the same time notify the Government of the country concerned of the recommendation made by it.

3. The country concerned shall be entitled to bring the matter before the Council of the League.

4. The Government of any exporting country which is not prepared to act on the recommendation of the Central Board shall also be entitled to bring the matter before the Council of the League.

If it does not do so, it shall immediately inform the board that it is not prepared to act on the recommendation, explaining, if possible, why it is not prepared to do so.

5. The Central Board shall have the right to publish a report on the matter and communicate it to the Council, which shall thereupon forward it to the Governments of all the contracting parties.

6. If in any case the decision of the Central Board is not unanimous, the views of the minority shall also be stated.

7. Any country shall be invited to be represented at a meeting of the Central Board at which a question directly interesting it is considered.

Art. 25. It shall be the friendly right of any of the contracting parties to draw the attention of the board to any matter which appears to it to require investigation, provided that this article shall not be construed as in any way extending the powers of the board.

Art. 26. In the case of a country which is not a party to the present convention, the Central Board may take the same measures as are specified in Art. 24, if the information at the disposal of the board leads it to conclude that there is a danger of the country becoming a center of the illicit traffic; in that case the board shall take the action indicated in the said article as regards notification to the country concerned.

Paragraphs 3, 4 and 7 of Art. 24 shall apply in any such case.

Art. 27. The Central Board shall present an annual report on its work to the Council of the League. This report shall be published and communicated to all the contracting parties.

The Central Board shall take all necessary measures to insure that the estimates, statistics, information and explanations which it receives under Arts. 21, 22, 23, 24, 25 or 26 of the present convention shall not be made public in such a manner as to facilitate the operations of speculators or injure the legitimate commerce of any contracting party.

## Chapter VII. *General Provisions*

Art. 28. Each of the contracting parties agrees that breaches of its laws or regulations by which the provisions of the present convention are enforced shall be punishable by adequate penalties, including in appropriate cases the confiscation of the substances concerned.

Art. 29. The contracting parties will examine in the most favorable spirit the possibility of taking legislative measures to render punishable acts committed within their jurisdiction for the purpose of procuring or assisting the commission in any place outside their jurisdiction of any act which constitutes an offense against the laws of that place relating to the matters dealt with in the present convention.

Art. 30. The contracting parties shall communicate to one another, through the Secretary-General of the League of Nations, their existing laws and regulations respecting the matters referred to in the present convention, so far as this has not already been done, as well as those promulgated in order to give effect to the said convention.

Art. 31. The present convention replaces, as between the contracting parties, the provisions of Chaps. I, III and V of the convention signed

at The Hague on January 23, 1912, which provisions remain in force as between the contracting parties and any States parties to the said convention which are not parties to the present convention.

Art. 32. 1. In order as far as possible to settle in a friendly manner disputes arising between the contracting parties in regard to the interpretation or application of the present convention which they have not been able to settle through diplomatic channels, the parties to such a dispute may, before resorting to any proceedings for judicial settlement or arbitration, submit the dispute for an advisory opinion to such technical body as the Council of the League of Nations may appoint for this purpose.

2. The advisory opinion shall be given within six months commencing from the day on which the dispute has been submitted to the technical body, unless this period is prolonged by mutual agreement between the parties to the dispute. The technical body shall fix the period within which the parties are to decide whether they will accept the advisory opinion given by it.

3. The advisory opinion shall not be binding upon the parties to the dispute unless it is accepted by each of them.

4. Disputes which it has not been found possible to settle either directly or on the basis of the advice of the above-mentioned technical body shall, at the request of any one of the parties thereto, be brought before the Permanent Court of International Justice, unless a settlement is attained by way of arbitration or otherwise by application of some existing convention or in virtue of an arrangement specially concluded.

5. Proceedings shall be opened before the Permanent Court of International Justice in the manner laid down in Art. 40 of the Statute of the Court.

6. A decision of the parties to a dispute to submit it for an advisory opinion to the technical body appointed by the Council of the League of Nations, or to resort to arbitration, shall be communicated to the Secretary-General of the League of Nations and by him to the other contracting parties, which shall have the right to intervene in the proceedings.

7. The parties to a dispute shall bring before the Permanent Court of International Justice any question of international law or question as to the interpretation of the present convention arising during proceedings before the technical body or arbitral tribunal, decision of which by the Court is, on the demand of one of the parties, declared by the technical body or arbitral tribunal to be necessary for the settlement of the dispute.

Art. 33. The present convention, of which the French and English texts are both authentic, shall bear to-day's date and shall be open for signature until the 30th day of September, 1925, by any State represented at the conference at which the present convention was drawn up, by any

Member of the League of Nations, and by any State to which the Council of the League of Nations shall have communicated a copy of the convention for this purpose.

Art. 34. The present convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the League of Nations, who shall notify their receipt to the Members of the League which are signatories of the convention and to the other signatory States.

Art. 35. After the 30th day of September, 1925, the present convention may be acceded to by any State represented at the conference at which this convention was drawn up and which has not signed the convention, by any Member of the League of Nations, or by any State to which the Council of the League of Nations shall have communicated a copy of the convention for this purpose.

Accession shall be effected by an instrument communicated to the Secretary-General of the League of Nations to be deposited in the archives of the Secretariat. The Secretary-General shall at once notify such deposit to all the Members of the League of Nations signatories of the convention and to the other signatory States.

Art. 36. The present convention shall not come into force until it has been ratified by ten powers, including seven of the States by which the Central Board is to be appointed in pursuance of Art. 19, of which at least two must be permanent Members of the Council of the League. The date of its coming into force shall be the ninetieth day after the receipt by the Secretary-General of the League of Nations of the last of the necessary ratifications. Thereafter, the present convention will take effect in the case of each party ninety days after the receipt of its ratification or of the notification of its accession.

In compliance with the provisions of Art. 18 of the Covenant of the League of Nations, the Secretary-General will register the present convention upon the day of its coming into force.

Art. 37. A special record shall be kept by the Secretary-General of the League of Nations showing which of the parties have signed, ratified, acceded to or denounced the present convention. This record shall be open to the contracting parties and the Members of the League at all times; it shall be published as often as possible, in accordance with the directions of the Council.

Art. 38. The present convention may be denounced by an instrument in writing addressed to the Secretary-General of the League of Nations. The denunciation shall become effective one year after the date of the receipt of the instrument of denunciation by the Secretary-General, and shall operate only in respect of the contracting party which makes it.

The Secretary-General of the League of Nations shall notify the receipt

of any such denunciations to all Members of the League of Nations signatories of or adherents to the convention and to the other signatory or adherent States.

Art. 39. Any State signing or acceding to the present convention may declare, at the moment either of its signature, ratification or accession, that its acceptance of the present convention does not include any or all of its colonies, overseas possessions, protectorates, or overseas territories under its sovereignty or authority, or in respect of which it has accepted a mandate on behalf of the League of Nations, and may subsequently accede, in conformity with the provisions of Art. 35, on behalf of any such colony, overseas possession, protectorate or territory excluded by such declaration.

Denunciation may also be made separately in respect of any such colony, overseas possession, protectorate or territory, and the provisions of Art. 38 shall apply to any such denunciation.

In faith whereof the above-named plenipotentiaries have signed the present convention.

Done at Geneva, the nineteenth day of February, one thousand nine hundred and twenty-five, in a single copy, which will remain deposited in the archives of the Secretariat of the League of Nations; certified copies will be transmitted to all the States represented at the conference and to all Members of the League of Nations.

Albania:
B. Blinishti.
Germany:
H. von Eckardt.[1]
Belgium:
Fernand Peltzer.
Dr. Ferd. De Myttenaere.
British Empire:
Malcolm Delevingne.
Australia:
M. L. Shepherd.
France:
G. Bourgois.
A. Kircher.[2]
Greece:
*Ad referendum*, Vassili Dendramis.
Japan:
S. Kaku.
Y. Sugimura.
Luxemburg:
Ch. G. Vermaire.
Netherlands:
v. Wettum.
J. B. M. Coebergh.
A. D. A. de Kat Angelino.

[1]Subject to the reservation annexed to the procès-verbal of the plenary meeting of February 16, 1925.

[2]The French Government is compelled to make all reservations, as regards the colonies, protectorates and mandated territories under its authority, as to the possibility of regularly producing, within the strictly prescribed time-limit, the quarterly statistics provided for in paragraph 2 of Article 22.

Persia:
Prince ARFA-ED-DOWLEH MIRZA RIZA KHAN.[1]
Poland:
CHODZKO.
Portugal:
A. M. Bartholomeu FERREIRA.
R. J. RODRIGUES.
Siam:
DAMRAS.
Brazil:[2]
Czechoslovakia:[2]
Irish Free State:[2]
Uruguay:[2]

[Annex: Model Form of Import Certificate, not reproduced.]

### *b.* PROTOCOL

The undersigned, representatives of certain States signatory to the Convention relating to Dangerous Drugs signed this day, duly authorized to that effect;

Taking note of the protocol signed the eleventh day of February one thousand nine hundred and twenty-five by the representatives of the States signatory to the agreement signed on the same day relating to the use of prepared opium:

Hereby agree as follows:

I. The States signatory to the present protocol, recognizing that under Chap. I of the Hague Convention the duty rests upon them of establishing such a control over the production, distribution and exportation of raw opium as would prevent the illicit traffic, agree to take such measures as may be required to prevent completely, within five years from the present date, the smuggling of opium from constituting a serious obstacle to the effective suppression of the use of prepared opium in those territories where such use is temporarily authorized.

II. The question whether the undertaking referred to in Art. I has been completely executed shall be decided, at the end of the said period of five years, by a commission to be appointed by the Council of the League of Nations.

III. The present protocol shall come into force for each of the signatory States at the same time as the Convention relating to Dangerous Drugs signed this day. Art. 33 and 35 of the convention are applicable to the present protocol.

In faith whereof the present protocol was drawn up at Geneva the nineteenth day of February 1925, in a single copy, which will remain deposited in the archives of the Secretariat of the League of Nations;

[1]*Ad referendum* and subject to the League of Nations complying with the request made by Persia in the Memorandum O. D. C. 24.

[2]P. Penambuco for Brazil, March 4; M. Veverka for Czechoslovakia, March 16; Michael Mac White for Irish Free State, April 3; E. Buero for Uruguay, March 4.

certified copies will be transmitted to all States represented at the conference and to all Members of the League of Nations.

Albania:
B. Blinishti.
Germany:
H. von Eckardt.
British Empire:
Malcolm Delevingne.
Australia:
M. L. Shepherd.
Greece:
*Ad referendum*, Vassili Dendramis.
Japan:
S. Kaku.
Y. Sugimura.
Luxemburg:
Ch. G. Vermaire.
Netherlands:
v. Wettum.
J. B. M. Coebergh.
A. D. A. de Kat Angelino.
Persia:
Prince Arfa-ed-Dowleh Mirza Riza Khan.
Portugal:
A. M. Bartholomeu Ferreira.
R. J. Rodrigues.
Siam:
Damras.
Czechoslovakia:[1]

### c. FINAL ACT

The Second International Opium Conference, convoked in accordance with the resolution of the Assembly of the League of Nations dated September 27, 1923, met on November 17, 1924, at the Palais des Nations, Geneva.

The resolution of the Assembly was in the following terms:

The Assembly, having noted with satisfaction that, in accordance with the hope expressed in the fourth resolution adopted by the Assembly in 1922, the Advisory Committee has reported that the information now available makes it possible for the Governments concerned to examine, with a view to the conclusion of an agreement, the question of the limitation of the amounts of morphine, heroin or cocaine and their respective salts to be manufactured; of the limitation of the amounts of raw opium and the coca leaf to be imported for that purpose and for other medicinal and scientific purposes; and of the limitation of the production of raw opium and the coca leaf for export to the amount required for such medicinal and scientific purposes, requests the Council—as a means of giving effect to the principles submitted by the representatives of the United States of America, and to the policy which the League, on the recommendation of the Advisory Committee, has adopted—to invite the Governments concerned to send representatives with plenipotentiary powers to a conference for this purpose, to be held, if possible, immediately after the conference mentioned in resolution V.

The Assembly also suggests, for the consideration of the Council, the advisability of enlarging this conference so as to include all countries which are Members of the League or parties to the Convention of 1912,

[1]M. Veverka signed for Czechoslovakia, March 16.

with a view to securing their adhesion to the principles that may be embodied in any agreement reached.

The Council of the League nominated as President of the Conference: His Excellency M. Herluf ZAHLE, Envoy Extraordinary and Minister Plenipotentiary of Denmark to Berlin.

The Secretary-General of the League of Nations nominated as Secretary-General of the Conference: Dame Rachel CROWDY.

The following States participated in the conference, and for this purpose appointed the delegations, whose members are set out below:

[Here follow the names of the delegates and experts of the following: Albania, Germany, United States of America, Australia, Belgium, Bolivia, Brazil, British Empire, Bulgaria, Canada, Chile, China, Cuba, Denmark, Free City of Danzig, Dominican Republic, Egypt, Spain, Finland, France, Greece, Hungary, India, Irish Free State, Italy, Japan, Luxemburg, Nicaragua, Netherlands, Persia, Poland, Portugal, Rumania, Kingdom of the Serbs, Croats and Slovenes, Siam, Sweden, Switzerland, Czechoslovakia, Turkey, Uruguay, Venezuela.]

The conference held meetings between November 17, 1924, and February 19, 1925.

The conference adopted the Convention relating to Dangerous Drugs which bears to-day's date.

The conference also adopted the protocol bearing to-day's date.

The conference also adopted the following resolutions:

I. The conference recognizes that, to enable the Convention relating to Dangerous Drugs, signed this day to produce its full effect, it is essential that it should be applied as widely as possible in the colonies, possessions, protectorates and territories mentioned in Art. 39 of the convention. The conference accordingly expresses the earnest hope that the Governments concerned will take the necessary steps to that end with as little delay as possible, and that the number of such colonies, possessions, protectorates or territories excluded from the operation of the convention may be reduced to a minimum.

II. The conference recommends that each Government should consider the possibility of forbidding the conveyance in any ship sailing under its flag of any consignment of the substances covered by the convention:

(1) Unless an export authorization has been issued in respect of such consignment in accordance with the provisions of the convention, and the consignment is accompanied by an official copy of such authorization, or of any diversion certificate which may be issued;

(2) To any destination other than the destination mentioned in the export authorization or diversion certificate.

III. The conference recommends that all States should cooperate as closely as possible with one another in the suppression of the illicit traffic,

and that they should authorize the competent authorities charged with the administration of the law on the subject to communicate directly with the corresponding authorities in other countries.

IV. The conference draws attention to the advisability in certain cases of requiring dealers who are licensed by the Government to trade in the substances covered by the convention to deposit or give sureties for a sum of money sufficient to serve as an effective guaranty against their engaging in the illicit traffic.

V. The conference asks the Council of the League of Nations to examine the suggestion which has been made in the course of its proceedings, in particular by the Persian delegation, that a commission should be appointed to visit certain opium-producing countries, should those countries so desire, for the purpose of making a careful study (in collaboration with the Governments of those countries) of the difficulties connected with the limitation of the production of opium in those countries and advising as to the measures which could be taken to make it possible to limit the production of opium in those countries to the quantities required for medical and scientific purposes.

VI. The conference asks the Council of the League of Nations to invite the Health Committee to consider immediately whether it would be expedient to consult the International Health Office regarding the products mentioned in Arts. 8 and 10, in order that, if so, a decision concerning preparations which cannot give rise to the drug habit and a recommendation concerning all other drugs which might come under the provisions of the convention may be notified immediately upon the entry into force of the said convention.

VII. The conference requests the Council of the League of Nations to decide to include in the expenses of the Secretariat the expenses of the Central Board and its administrative services.

It is understood that those contracting parties which are not Members of the League will bear their share of the expenses in accordance with a scale to be drawn up by agreement with the Council.

At the moment of signing the present act, the delegate of Persia made the following declaration:

The Persian Delegate, acting on instructions from his Government, declares that he signs the convention *ad referendum* and subject to the League of Nations acceding to Persia's request as set forth in its memorandum.

At the moment of signing the present act, the delegate of Siam made the following declaration:

In signing the convention and the present final act, the Siamese delegation wishes to declare that, having no instructions on the subject of

Indian hemp, which was not originally on the agenda of the conference, the Siamese delegation is obliged to make reservation of Chap. III in regard to galenical preparations of Indian hemp and of Chaps. IV and V solely in regard to Indian hemp.

In faith whereof the delegates have signed the present act.

Done at Geneva, the nineteenth day of February one thousand nine hundred and twenty-five, in a single copy, which shall be deposited in the archives of the Secretariat of the League of Nations and of which authenticated copies shall be delivered to all States represented at the conference.

*The President:*

Herluf ZAHLE.

*The Secretary-General:*

Rachel E. CROWDY.

Albania:
B. BLINISHTI.
Germany:
H. von ECKARDT.
Gottfried ASCHMANN.
Australia:
M. L. SHEPHERD.
Belgium:
Fernand PELTZER.
Dr. Ferd. De MYTTENAERE.
Bolivia:
Arturo PINTO-ESCALIER.
British Empire:
Malcolm DELEVINGNE.
Spain:
Emilio de PALACIOS.
France:
G. BOURGOIS.
A. KIRCHER.
Greece:
Vassili DENDRAMIS.
Hungary:
de BARANYAI Zoltàn.
Japan:
S. KAKU.
Y. SUGIMURA.
Luxemburg:
Ch. G. VERMAIRE.
Netherlands:
v. WETTUM.
J. B. M. COEBERGH.
A. D. A. de KAT ANGELINO.
Persia:
Prince ARFA-ED-DOWLEH MIRZA RIZA KAHN.
Poland:
CHODZKO.
Portugal:
A. M. Bartholomeu FERREIRA.
R. J. RODRIGUES.
Siam:
DAMRAS.
Brazil:[1]
Czechoslovakia:[1]
Irish Free State:[1]
Uruguay:[1]

[1]P. Penambuco for Brazil, March 4; M. Veverka for Czechoslovakia, March 16; Michael Mac White for Irish Free State, April 3; E. Buero for Uruguay, March 4.

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Vol. VIII 1925 No. 4

# STEPS TOWARD PRESERVING PEACE

*By*

ELIHU ROOT

# THE COURT SITUATION

SENATE POSITION — HOUSE ACTION — PRESIDENT'S ATTITUDE

Published by
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# World Peace Foundation

## Boston, Massachusetts

*FOUNDED IN 1910 BY EDWIN GINN

The corporation is constituted for the purpose of educating the people of all nations to a full knowledge of the waste and destructiveness of war, its evil effects on present social conditions and on the well-being of future generations, and to promote international justice and the brotherhood of man; and, generally, by every practical means to promote peace and good will among all mankind.—*By-laws of the Corporation.*

It is to this patient and thorough work of education, through the school, the college, the church, the press, the pamphlet and the book, that the World Peace Foundation addresses itself.—Edwin Ginn.

The idea of force can not at once be eradicated. It is useless to believe that the nations can be persuaded to disband their present armies and dismantle their present navies, trusting in each other or in the Hague Tribunal to settle any possible differences between them, unless, first, some substitute for the existing forces is provided and demonstrated by experience to be adequate to protect the rights, dignity and territory of the respective nations. My own belief is that the idea which underlies the movement for the Hague Court can be developed so that the nations can be persuaded each to contribute a small percentage of their military forces at sea and on land to form an *International Guard or Police Force.*—Edwin Ginn.

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# STEPS TOWARD PRESERVING PEACE[1]

BY ELIHU ROOT

In discussing the relations with other nations which the United States should seek to establish and maintain, it will be very useful if the people of the country will give due weight to some general considerations applicable to all matters such as the World Court, the attitude of the country towards the activities of the League of Nations, the conferences like that about opium, the application of the Dawes Commission Plan, the promotion of disarmament, and so on.

One of these general considerations is that we ought not to let ourselves get into the frame of mind of men who are driving a bargain in which the interests of each are entirely separate and distinct from the interests of the other and in which each is seeking to get as much and give as little as he can. There must of course always be separate interests of different nations which their governments are bound to maintain, but there are also common interests in which all civilized nations share. These common interests arise from the interdependence of civilized peoples and they are a product of developing civilization. The farmers in America who are raising wheat and beef and cotton, and the great multitudes engaged in manufacture, depend for the rewards of their labor largely upon the orderly continuance of purchase, consumption and payment by the people of other countries. It would be a real misfortune to the American breakfast table if Brazil ceased to produce coffee and Cuba ceased to produce sugar and China ceased to produce tea. Trade is necessary to modern comfort and prosperity, and trade is maintained by a vast and complicated system of international transportation and finance. From all this intercommunication arises intercourse in literature and art and scientific research and the interchange of thought in the moral and spiritual life of the race. For the continuance of all these things, orderly government and sound finance and security for the fruits of industry and enter-

[1]Reprinted by permission from *Foreign Affairs*, an American Quarterly Review, Vol. 3, No. 3.

prise, not only in one's own country but in all civilized countries, are of vital importance. Every sensible statesman is bound, therefore, to make it one of his primary objects to contribute towards the peace and prosperity of the civilized world in which his own country shares. It frequently happens that this general consideration is much more important than the particular matters of controversy which arise between nations. For many years I have known a good deal about international arbitrations and I have never known of one in which both nations in controversy did not benefit more from having the question between them settled than either gained from a favorable judgment or lost by an unfavorable one.

Another consideration which should be kept in mind is that our people really do desire to contribute towards the preservation of peace and the progress of civilization throughout the world. We do not wish to be selfish and cynical and indifferent about the welfare of the rest of the world. We do not think we are and we do not wish to be thought so. We really have ideals about human progress and we wish to stand for them. We have long professed them and we do not wish anybody to put us in the position of appearing to be hypocrites and humbugs. If there be any project of international cooperation proposed which will really be for the benefit of civilization, we do not wish to have it treated as something that somebody else wants and is trying to get us into. If it is real, we want it to succeed just as much as anybody else can want it to succeed; and we wish to be counted in as supporting it unless there is some real obstacle in the way which cannot be removed. And by real obstacle we mean something substantial, not any fanciful or trivial difference of opinion about nonessential things. No two men ever devised plans of action to accomplish a particular object without finding that there were differences in their plans. That is peculiarly the case in international affairs. A real desire to accomplish the object will brush aside all the nonessential differences. That is the way in which we wish proposals for our cooperation in projects for the benefit of mankind to be treated.

Approaching questions of international relation in this spirit, we should remember that the real power behind international as well as national progress towards better conditions is public

opinion—not sudden bursts of temper or sentimentality, but enlightened, matured public opinion. That is the power behind all human law and all custom. If a statute rightly reflects the opinion of the people for whom it is passed, or is adapted to give effect to that opinion, it gets itself enforced. If the contrary is true, the law fails of effect. No law, however formal, can withstand the effect of changes in opinion. Our Constitution vested in Presidential electors authority to select in their discretion any one they chose for President of the United States. In the course of a century, public opinion has determined that the voters themselves should say whom they wish for President, and as against the voters' expression of their will the Presidential electors no longer have any discretion, although the Constitution still declares that they have it. The King of England had a strict legal power to veto an act of Parliament, but the public opinion of Great Britain destroyed that power without any formal change of law. We slip very easily into the idea of compelling conformity to our ideas by the exercise of superior force. Compulsion is sometimes necessary for the maintenance of order and justice, but we should not forget that progress does not come through compulsion. Progress comes through the enlightenment of opinion, the development of character, the establishment of better standards of conduct.

Public opinion, however, cannot make itself affirmatively effective except by the creation of institutions adapted to give it effect. Mere verbal expressions of opinion get nowhere. A mob, however unanimous, can destroy but it cannot construct. What is everybody's business is nobody's business. To get things done some human agency must be designated to give effect to the general desire that they be done.

There is no reasonable doubt that the great majority of the people of most civilized nations are strongly opposed to involving themselves in war, and the question inevitably arises "How is it that nations composed of people who don't want war are continually fighting?" The answer is that the opinion against war has been without adequate institutions to give it effect. War is an international affair; and to prevent it there must be international opinion, and international action upon that opinion, and international institutions to give effect to that opinion.

The world of western civilization has been busy for a long time trying to create such institutions. The first effort was practically begun by the governments of Europe under the inspiration of Grotius about 300 years ago, after the Thirty Years' War. It consisted of agreement upon a series of rules of conduct under the name of international law and national foreign offices and permanent ambassadors and ministers to insist upon having national conduct conform to those rules.

All that was very useful, but it proved inadequate. The next stage of development was by the practice of calling general conferences of many nations so that the opinion of all could be focused upon a particular controversy or cause of controversy at the same time and with vastly greater effect. Illustrations of such conferences are the Paris Conference of 1856, the Berlin Conference of 1878, the Algeciras Conference of 1905 and the Limitation of Arms Conference at Washington in 1921 and 1922.

These conferences were a very great advance, especially relating to all controversies arising out of national policy, but they were still inadequate. About thirty years ago many people who had been thinking about the subject came to the conclusion that as most controversies between nations arose out of differences regarding their supposed rights and in the suspicions and hatreds growing out of supposed wrongs, one of the most effective means to prevent war would be to afford a substitute for war as a method of settling differences about rights and wrongs. They recognized that nations always will have differences of opinion about their rights and always will quarrel, just as private persons have differences and quarrel over them. They realized that if an international tribunal could be established, composed of able and impartial judges, drawn from many different countries and with jurisdiction to decide questions of right arising under treaties and international law, many nations would settle their controversies in that way instead of going to war. A great many wars come on because neither party quite knows how to give up in a controversy without humiliation. Such a tribunal, it was thought, would certainly be very useful in such cases. It was considered also that if an international court were once established and commended itself to the people of the world by its conduct, there would after a time grow up a universal public

opinion which would discredit any nation that refused to submit a question of right to the court and undertook instead to enforce its own opinion by war. People generally would not have to argue out the rights and wrongs of the controversy. Public opinion would properly turn in favor of the nation that was willing to submit its claims of right to adjudication and against the nation which was unwilling to do so.

In the First Hague Conference of 1899, in the Second Hague Conference of 1907, in the Commission of Jurists which met at the Hague in 1920 to propose a plan for such a court, and in hundreds of negotiations and arbitration treaties between different nations, this idea of furnishing a judicial substitute for war has been worked out in the most painstaking way. It was exceedingly difficult because there were so many nations differently situated which had to be brought into agreement about the mode of creating the court and its power and procedure in order that it should really be an international court. Substantially all the nations which have entered the League of Nations have agreed to the proposed court in a separate treaty concluded December 16, 1920. The court has been established by the election of fifteen judges of the highest character and attainment, coming from as many different countries, and they are already engaged in hearing and deciding cases. The United States has always been the foremost advocate of this idea of substituting judicial decision for war, and President Harding and President Coolidge successively have asked the consent of the Senate to giving the approval of the United States to the court. This request has been awaiting action by the Senate for the past two years.

This court is the latest institution wrought out by the civilized world's general public opinion against war, for the purpose of giving effect to that opinion. It is an essential and indispensable institution for the effectiveness of that opinion and the proposal that the United States take part in supporting the court should be welcomed as an opportunity by all the people who have been talking in favor of abolishing war and preventing war and outlawing war, but who have not as yet arrived at any practical steps tending in that direction.

All these international questions call for an understanding of

the infinite varieties of human interests, conditions, opinions, traditions, prejudices, beliefs, inherited modes of thought and feeling, all of which make agreements difficult. The question what kind of an institution for international benefit should be attempted is not a thing to be reasoned out from an American point of view, or from a French point of view, or from a Japanese point of view. It is to be solved by ascertaining what beliefs and opinions all the different nations hold in common and basing the new institution upon those beliefs and opinions, not including in the make-up of the new institution anything because Americans alone think it better, or French alone think it better, or Japanese alone think it better. These common beliefs and opinions are few and simple, and new international institutions must accordingly be very simple in their origin if they are to continue. Thousands of elaborate schemes for the prevention of war have been produced in the United States within the last few years; most of them have been quite worthless because the authors completely overlooked the differences of opinion and modes of thought and feeling in other countries, differences which would prevent acceptance of the proposed scheme, and if it were accepted would prevent its operation. The process of finding what it is worth while to try to do internationally is a good deal like the old problem of finding the greatest common denominator which used to be so tedious when we were children. The question presented by a proposal of an international institution is not whether it is the best institution conceivable. It is whether the proposed institution would be useful so far as it goes and whether there is any practical probability of getting fifty odd nations to agree to a better institution.

The important thing is to get the right kind of an institution started, even though it be in the most rudimentary form. There is one unfailing characteristic of human nature which comes into play when an institution is once started. It is that after an institution is established and is conspicuous and universally known, it enters into the basis of thought of the people who have to do with the subjects to which it relates. People begin to think differently about such subjects. They begin to think that way, and if the institution is so conducted as to command confidence within its original limited scope, it grows naturally

and inevitably because the fundamental idea being no longer a novelty and being accepted, enlargements and improvements of the idea are soon readily accepted.

We have now actually in progress an illustration of that general truth. When the Jurists' Commission at The Hague transmitted their plan for the court to the Secretariat of the League of Nations, they also sent a recommendation that a general conference be called to consider the present condition of international law and the amendments and extensions which might be practicable. The Secretariat sent this recommendation to the Council and the Council sent it to the Assembly and the Assembly rejected it. That was a little over four years ago. In the meantime the court has been created and is deciding questions of international law with a degree of authority which commands respect. International law since there has been a court to decide upon it and thereby make it difficult to escape, seems quite a different thing from what it was when two countries could dispute about it forever without any conclusion. It now seems quite well worth while to enlarge the scope of the court by defining and extending the rules of law which the court has to apply. Accordingly the League of Nations has invited a new committee, which includes our former Attorney-General, Mr. Wickersham, to advise them how they shall go about that revision and extension of international law which they did not think favorably of four years ago. In the meantime, also, since the court was established, the Pan-American Institute of International Law, which includes the United States and all the Central and South American countries, has actually undertaken the work recommended by The Hague Commission and has actually produced a new draft of a code of international law for consideration, and this is now in the hands of the American Secretary of State as Chairman of the Governing Board of the Pan-American Union.

It will be very useful for all of us to keep in mind another consideration. It is that we must not be discouraged if we cannot have everything as we want it immediately. We must be patient if we would act wisely. What we do today may bear fruit long after we are dead, for no good work is ever really lost. The important thing is to get the tendency right. We should

think of all these subjects in terms not of brief individual life, but long continued national life. The business does not admit of sudden and spectacular achievements. General progress cannot be much faster than the progress of the most backward nations and the field of action is not the field of intellect, it is the field of character; and change or development of character is always slow work.

## THE COURT SITUATION

On March 13, 1925, the Senate of the 69th Congress, being in executive session, Charles Curtis, the Republican floor leader, proposed a unanimous-consent agreement that the Senate proceed on December 17, 1925, to the consideration in open executive session of a resolution that the Senate advise and consent to the signature of the United States to the protocol of signature of the Permanent Court of International Justice. Mr. Dill, of Washington, Democrat, objected; whereupon Mr. Robinson, Democratic floor leader, moved:

> That on December 17, 1925, the Senate in open executive session proceed to the consideration of Senate Resolution 5, submitted by Mr. Swanson on March 5, 1925, providing for adhesion on the part of the United States to the protocol of December 16, 1920, and the adjoined Statute for the Permanent Court of International Justice, with reservations.

Mr. Robinson demanded the yeas and nays, and the vote resulted in 77 yeas and 2 nays.[1]

Senate Resolution 5 introduced by Mr. Swanson, the ranking Democrat on the Committee on Foreign Relations, was read and referred to that committee on March 5. On March 13 the committee had not made any report upon it. The resolution of that date had the effect of dismissing the committee from its consideration. Therefore, the resolution to be considered by the Senate on December 17, will be in its original form, as follows:[2]

> Whereas the President, under date of February 24, 1923, transmitted a message to the State accompanied by a letter from the Secretary of State, dated February 17, 1923, asking the favorable advice and consent of the Senate to the adhesion on the part of the United States to the protocol of December 16, 1920, of signature of the Statute for the Permanent Court of International Justice, set out in the said message of the President (without accepting or agreeing to the optional clause for compulsory jurisdiction contained therein) upon the conditions and understandings hereafter stated, to be made a part of the instrument of adhesion: Therefore be it
>
> *Resolved (two-thirds of the Senators present concurring)*, That the

[1]*Congressional Record* (daily edition), Vol. 67, p. 215. [2]*Ibid.*, p. 9.

Senate advise and consent to the adhesion on the part of the United States to the said protocol of December 16, 1920, and the adjoined Statute for the Permanent Court of International Justice (without accepting or agreeing to the optional clause for compulsory jurisdiction contained in said statute) and that the signature of the United States be affixed to the said protocol; subject to the following reservations and understandings which are hereby made a part and condition of this resolution, namely:

1. That such adhesion shall not be taken to involve any legal relation on the part of the United States to the League of Nations or the assumption of any obligations by the United States under the Covenant of the League of Nations constituting Part I of the treaty of Versailles.

2. That the United States shall be permitted to participate through representatives designated for the purpose and upon an equality with the other States, members, respectively, of the Council and Assembly of the League of Nations, in any and all proceedings of either the Council or the Assembly for the election of judges or deputy judges of the Permanent Court of International Justice, or for the filling of vacancies.

3. That the United States will pay a fair share of the expenses of the Court as determined and appropriated from time to time by the Congress of the United States.

4. That the statute for the Permanent Court of International Justice adjoined to the protocol shall not be amended without the consent of the United States.

5. That the United States shall be in no manner bound by any advisory opinion of the Permanent Court of International Justice not rendered pursuant to a request in which it, the United States, shall expressly join in accordance with the statute for the said court adjoined to the protocol of signature of the same to which the United States shall become signatory.

The signature of the United States to the said protocol shall not be affixed until the powers signatory to such protocol shall have indicated, through an exchange of notes, their acceptance of the foregoing reservations and understandings as a part and a condition of adhesion by the United States to the said protocol.

## Resolution In Committee

Simultaneously with the introduction of the Swanson resolution on March 5, Mr. Willis of Ohio, Republican, also a member of the Committee on Foreign Relations, introduced Senate Resolution 6, which was referred to the committee. This resolution differs from the Swanson resolution in some details. It remains in

the committee, which consequently has the subject matter before it. The Willis resolution reads as follows:[1]

Whereas the President, under date of February 24, 1923, transmitted a message to the Senate accompanied by a letter from the Secretary of State, dated February 17, 1923, asking the favorable advice and consent of the Senate to the adhesion on the part of the United States to the protocol of December 16, 1920, of signature of the statute for the Permanent Court of International Justice, set out in the said message of the President (without accepting or agreeing to the optional clause for compulsory jurisdiction contained therein) upon the conditions and understandings hereafter stated, to be made a part of the instrument of adhesion: Therefore be it

*Resolved* (*two-thirds of the Senators present concurring*), That the Senate advise and consent to the adhesion on the part of the United States to the said protocol of December 16, 1920, and the adjoined Statute for the Permanent Court of International Justice (without accepting or agreeing to the optional clause for compulsory jurisdiction contained in said statute) and that the signature of the United States be affixed to the said protocol; subject to the following reservations and understandings which are hereby made a part and condition of this resolution, namely:

1. That such adhesion shall not be taken to involve any legal relation on the part of the United States to the League of Nations or the assumption of any obligations by the United States under the Covenant of the League of Nations constituting Part I of the treaty of Versailles.

2. That the United States will participate through representatives designated for the purpose and upon an equality with the other States, members, respectively, of the Council and Assembly of the League of Nations, in any and all proceedings of either the Council or the Assembly for the election of judges or deputy judges of the Permanent Court of International Justice, or for the filling of vacancies.

3. That the United States will pay a fair share of the expenses of the Court as determined and appropriated from time to time by the Congress of the United States.

4. That the Statute for the Permanent Court of International Justice adjoined to the protocol shall not be amended without the consent of the United States.

5. That the United States shall not be bound by advisory opinions which may be rendered by the Court upon questions which the United States has not voluntarily submitted for its judgment.

The signature of the United States to the said protocol shall not be affixed until the powers signatory to such protocol shall have indicated,

[1] *Congressional Record* (daily edition), Vol. 67, p. 9.

through an exchange of notes, their acceptance of the foregoing reservations and understandings as a part and a condition of adhesion by the United States to the said protocol.

## Action by the House

Previous to the action of the Senate providing for the beginning of consideration of the Court matter on December 17, 1925, the House of Representatives of the 68th Congress had taken favorable action on it. Toward the end of the final session of the 68th Congress the House Committee on Foreign Affairs had the subject before it in two forms, House Resolution 258, introduced by Mr. Moore of Virginia on April 17, 1924, and House concurrent resolution 38, introduced by Mr. Fish of New York on January 28, 1925. In substitution for these resolutions the committee had drafted House Resolution 426, on which hearings[1] had been held on January 21, 27, and 31, 1925. On February 24, 1925, Theodore E. Burton of Ohio reported[2] to the House favorably upon House Resolution 426, which was reached on the calendar on March 3, 1925. The discussion was opened by Mr. Burton with a statement which so satisfactorily indicates the contents of the report from the committee and the question at issue that it is given in full:[3]

Mr. Speaker and gentlemen of the House, I invite you for a time to digress from domestic affairs to international relations and to a measure which makes for the world's peace.

If I can form any judgment of the current of popular opinion in this country, there is no proposition now pending before the American people more unanimously indorsed than our adherence to the World Court. It has received the express indorsement of the American Bar Association, the Federal Council of Churches, individual churches and clergymen almost without number, men's and women's clubs in every State in the Union, and American Legion posts. It has also been indorsed by resolutions of State legislatures. It is very natural that this should be true, because if there is any one traditional policy of our own United States, it is to seek an amicable settlement of controversies between nations.

[1]*Permanent Court of International Justice.* Hearings before the Committee on Foreign Affairs, House of Representatives, 68th Cong., 2nd sess., . . . January 21, 27, and 31, 1925. Washington, Govt. printing office, 1925. 91 p. 23½ cm.

[2]*Favoring Membership of the United States in the Permanent Court of International Justice,* H. Rept. No. 1569, 68th Cong., 2nd sess.

[3]*Congressional Record* (daily edition), Vol. 66, p. 5682.

One hundred years ago Mr. Ladd, of the American Peace Society, advocated such a court in England and America. Elihu Burritt, the learned blacksmith, followed along the same line. When The Hague conference convened in 1899 Secretary Hay instructed our delegates to favor such a court. On the reconvening of the conference in 1907 Secretary Root, then our Secretary of State, gave express instructions to our delegates to do all in their power to promote the establishment of such a tribunal. It has been indorsed by Presidents and in political conventions, and, I repeat, it has now the overwhelming indorsement of the American people.

There are divers ways of settling disputes between nations. By diplomacy, often successful but again often failing because of the lack of a common viewpoint. By arbitration, which I would not decry, for we have been a party in many of these arbitrations as disputants or as judges. By commissions of inquiry, under which the commission is to find merely the facts and the law, thereby bringing to bear the public opinion of the world and giving time for calm, dispassionate consideration. By commissions of inquiry, as in the Alaskan boundary case. All these have been adopted, with a greater or less degree of success. But the court in its possibilities transcends them all. It is based on the idea that controversies between nations shall be settled as they are now between individuals. Its members are permanent. They dismiss affiliations with their native lands and seek to decide the questions presented according to principles of equity and international law. This court is now functioning. It has decided very perplexing problems. In one notable instance, in which there was a controversy between France and England, a decision was reached in which the French member of the court decided against his own country. It is superior to arbitration, because arbitration is almost always based, in large degree, upon compromise. The members of an arbitration tribunal are selected from the various chancelleries and return to their respective countries, while the members of this court are permanent. We have a member, a famous jurist, Mr. John Bassett Moore, but he was not selected on our nomination. Our State Department could not call him home; it could not criticize, except in a most indirect and ineffective way, any decision of his.

But it is said this is the child of the League of Nations. Gentleman, I will not enter upon any discussion of the desirability of our being identified with the League. I do not think our country is to blame for not having joined and I do not think it would have made that tribunal as perfect as was hoped if we had joined. But this court is the creature of a separate protocol. Nations are eligible which do not belong to the League. When the proposition was made to the judges that they should place the heading of the League of Nations on their letterheads they rejected

that proposition, and they also decided that in the giving of advisory opinions, when referred by the League, they would give them or not, according to their own discretion.

Mr. MURPHY. Will the gentleman yield?

Mr. BURTON. I prefer that the gentleman allow me to finish my statement.

Mr. MURPHY. It is a question just at this point. I want to ask the gentleman whether, in his judgment, this court comes in any way, shape, or form under the present existing League of Nations?

Mr. BURTON. Of course it is, in a way, associated with it. The provision for the expenses comes from the League, and I will come to that proposition now. It is, on the other hand, detached from the League, which is a political body, as any judicial body would be.

Of course, there are certain reservations upon which we should insist, namely, that membership must not involve us in any of the disputes of the League; that we shall have our part in the selection of judges. We would also have to pay our share of the expense; also we would be entitled to withdraw if the constitution of the League is changed.

Then, again, there is a contention by President Coolidge that we shall not be bound by advisory opinions. I have not time to go into this whole subject. I have prepared a report. I am not immodest enough to ask every one of you to read it, but I have in that document sought to set forth the arguments.

I come now to a question which may perplex some—the propriety of the passage of such a resolution as this by the House of Representatives.

The treaty-making power is vested, as you all know, in the President and the Senate, but this House must often adopt important legislation, legislation which must be initiated here for the carrying out of those treaties, and I am not willing for a minute, with the growing importance of our foreign relations, to make the admission that this body, nearer to the people than any other, representative of our constituencies, does not have merely a keen interest in our foreign relations but a right to express its opinion and take action. I lay down that principle for this resolution today and for all questions relating to our foreign affairs.

Mr. Webster with his weighty opinion in the great debate on the Panama mission in 1826, when speaking of foreign relations, expressed himself thus:

> The House has expressed its opinions when it deemed proper to express them at all on great leading questions by resolutions and in a general form. These general opinions being thus made known, have doubtless always had, and such expressions of opinion doubtless always will have, their effect. This is the practice of the Government. It is a salutary practice.

A similar opinion was expressed by James Buchanan, afterward President of the United States, and through generations similar opinions have been expressed in this House and elsewhere. I have collected here a list of precedents in which the House has taken action in matters which would seem to impinge much more than this upon the prerogatives of the Senate. Shall we, in the face of the world-wide desire for an international tribunal, an overwhelming sentiment in our own country for our adherence to that tribunal when our interests are properly guarded—shall we in the House of Representatives remain silent upon this great question? I answer no. It is for us to express our opinion.

That part of the President's message recommending membership in this World Court was referred to the Committee on Foreign Affairs of this House. If we adhere, certain action must be taken by way of appropriation, and it is for us, at least in that regard, to express our opinion. I have the utmost desire we should belong, Mr. Speaker. I have for a long time been an advocate of peace among nations. I can quote that expression of the great German poet. "What a man earnestly desires in his youth, that may he have in its fullness in his old age," and I hope yet to tarry long enough to see a newer and a better order in which disputes between nations shall not be settled by the sword, not with carnage, but in peace and according to principles of justice. [Applause.]

Mr. YATES. May I ask the gentleman one question?

Mr. BURTON. Certainly.

Mr. YATES. I would like to know whether in the last analysis this would not be a matter of treaty, and, therefore, does it not lie with the Senate entirely?

Mr. BURTON. I have set forth in my report that we could pass a resolution initiated in this House in which, if the Senate concurred, it would be binding. On several occasions the Congress has done that. We annexed Texas by resolution originating in the House after a treaty had failed. We annexed Hawaii by a resolution introduced in this House and passed in the Senate after a treaty had failed. We took the initiative for peace with Germany within the gentleman's own service, in 1921, and we could here, but I say the other is much the better way—by treaty.

Mr. YATES. I thank the gentleman.

Mr. BLACK of New York. Will the gentleman yield?

Mr. BURTON. I yield.

Mr. BLACK of New York. I am wondering if the judges of this court are subject to any form of discipline, or subject to removal by the League.

Mr. BURTON. By each other, not at all by the League.

It was the boast of Augustus—

Said Lord Brougham—

that he found Rome of brick and left it of marble, but how much nobler will be the sovereign's boast when he shall have it to say that he found law dear and left it cheap; found it a sealed book, and left it a living letter; found it the patrimony of the rich and left it the inheritance of the poor; found it a two-edged sword of craft and oppression, left it the staff of honesty and the shield of innocence.

But how much nobler still will be the distinction of that government or of that age which, in the world-wide field that includes all the nations of the earth, shall introduce a new régime under which the sword will be banished and disputes be settled by an august court, according to the principles of law and justice, when we shall no longer see the great and the strong nations exploiting the weak.

Under a rule of universal law the peoples who in weakness are raising up their pleading hands for justice may obtain it in full measure, according to equity, to right, and to mercy. Thus I advocate this resolution, and this court, because it will mean a great stride forward, not indeed to perfection, but a movement in the path which leads to justice and to peace.

The House of Representatives voted on the resolution on March 3. Of the total membership 431 were recorded, of which number 101 did not vote, 94 being paired. The recorded vote was 301 yeas to 28 nays. The resolution as passed read:[1]

Whereas a World Court, known as the Permanent Court of International Justice, has been established and is now functioning at The Hague; and

Whereas the traditional policy of the United States has earnestly favored the avoidance of war and the settlement of international controversies by arbitration or judicial processes; and

Whereas this Court in its organization and probable development promises a new order in which controversies between nations will be settled in an orderly way according to principles of right and justice; Therefore be it

*Resolved*, That the House of Representatives desires to express its cordial approval of the said court and an earnest desire that the United States give early adherence to the protocol establishing the same, with the reservations recommended by President Harding and President Coolidge;

*Resolved further*, That the House expresses its readiness to participate in the enactment of such legislation as will necessarily follow such approval.

[1]*Congressional Record* (daily edition), Vol. 66, p. 5413.

## Presidential Statements

The day after the House passed its resolution the President in his inaugural address referred to the Permanent Court of International Justice in terms similar to those used in his Annual Message of December 3, 1924. In the earlier address he had discussed foreign relations at some length before making the specific reference to the Court. The appropriate quotations follow:

*Inaugural Address.*[1]—If we are to judge by past experience, there is much to be hoped for in international relations from frequent conferences and consultations. We have before us the beneficial results of the Washington conference and the various consultations recently held upon European affairs, some of which were in response to our suggestions and in some of which we were active participants. Even the failures cannot but be accounted useful and an immeasurable advance over threatened or actual warfare. I am strongly in favor of a continuation of this policy, whenever conditions are such that there is even a promise that practical and favorable results might be secured.

In conformity with the principle that a display of reason rather than a threat of force should be the determining factor in the intercourse among nations, we have long advocated the peaceful settlement of disputes by methods of arbitration and have negotiated many treaties to secure that result. The same considerations should lead to our adherence to the Permanent Court of International Justice. Where great principles are involved, where great movements are under way which promise much for the welfare of humanity by reason of the very fact that many other nations have given such movements their actual support, we ought not to withhold our own sanction because of any small and inessential difference, but only upon the ground of the most important and compelling fundamental reasons. We can not barter away our independence or our sovereignty, but we ought to engage in no refinements of logic, no sophistries and no subterfuges to argue away the undoubted duty of this country by reason of the might of its numbers, the power of its resources and its position of leadership in the world, actively and comprehensively to signify its approval and to bear its full share of the responsibility of a candid and disinterested attempt at the establishment of a tribunal for the administration of even-handed justice between nation and nation. The weight of our enormous influence must be cast upon the side of a reign, not of force but of law; and trial, not by battle but by reason.

[1]*Congressional Record,* Vol. 67, p. 3.

*Annual Message.*[1]—America has been one of the foremost nations in advocating tribunals for the settlement of international disputes of a justiciable character. Our representatives took a leading part in those conferences which resulted in the establishment of The Hague Tribunal and later in providing for a Permanent Court of International Justice. I believe it would be for the advantage of this country and helpful to the stability of other nations for us to adhere to the protocol establishing that court upon the conditions stated in the recommendation which is now before the Senate, and further that our country shall not be bound by advisory opinions which may be rendered by the court upon questions which we have not voluntarily submitted for its judgment. This court would provide a practical and convenient tribunal before which we could go voluntarily, but to which we could not be summoned, for the determination of justiciable questions when they fail to be resolved by diplomatic negotiations.

## Planks in Republican and Democratic Platforms, 1924

*Republican.*[2]—The Republican Party reaffirms its stand for agreement among the nations to prevent war and preserve peace. As an immediate step in this direction we indorse the Permanent Court of International Justice and favor the adherence of the United States to this tribunal as recommended by President Coolidge.

*Democratic.*[3]—It is of supreme importance to civilization and to mankind that America be placed and kept on the right side of the greatest moral question of all time, and therefore the Democratic Party renews its declaration of confidence in the ideal of world peace, the League of Nations and the World Court of Justice as together constituting the supreme effort of the statesmanship and religious conviction of our time to organize the world for peace.

[1]*Message of the President . . . to the Congress . . . December 3, 1924,* p. 14–15.
[2]Republican Campaign Text Book, 1924, p. 67.
[3]Democratic Campaign Book, 1924, p. 40.

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# REPARATION

## Part VI

# THE DAWES PLAN IN OPERATION

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# World Peace Foundation

## Boston, Massachusetts

*FOUNDED IN 1910 BY EDWIN GINN

The corporation is constituted for the purpose of educating the people of all nations to a full knowledge of the waste and destructiveness of war, its evil effects on present social conditions and on the well-being of future generations, and to promote international justice and the brotherhood of man; and, generally, by every practical means to promote peace and good will among all mankind.—*By-laws of the Corporation.*

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## ERRATA TO THE EXPERTS' REPORT

The official text of the Report from the First Committee of Experts was in both the French and English languages. Owing to the difficulties of giving technical phraseology a dual equivalent meaning and to printing errors, the official English text as published on April 9, 1924, contained some verbal discrepancies. The Reparation Commission has determined certain errata, which are here listed with reference to the pagination of *Reparation*, Part V.

Page 360, line 14. For "500 milliards" read "500 millions."

Page 361, line 5. For "reduction of 250 million" read "reduction within the limit of 250 million."

Page 361, line 9. For "reduction of 250 million" read "reduction within the limit of 250 million."

Page 383, par. 1, line 8. For "by the German Government, and by depreciation" read "by the German Government, extinction of the real value of bank debts, and by depreciation."

Page 390, par. 5, line 2. For "the yield at 2,146,000,000 gold marks" read "the yield at 2,146,000,000 gold marks, and the yield for the subsequent years should be higher."

Page 392, par. 8, line 2. For "should have disappeared" read "should largely have disappeared."

Page 397, par. 3, line 6. For "467 milliards" read "467 millions."

Page 398, par. 2, line 5. For "760 (million)" read "760 million."

Page 413, footnote 1. For "reduced by $\frac{36}{33.72}$" read "reduced by $\frac{26}{33.72}$."

Page 426, par. 1, line 1. For "Article (*a*)" read "Article X (*a*)."

Page 427, par. 1, line 2. For "Annex [I]" read "Annex [6]."

Page 434, par. 1, line 2. For "paragraph VIII (*c*)" read "paragraph VIII (*c*) of Part I."

Page 434, par. 3, line 6. For "to make the three earlier years" read "to make the two earlier years."

Page 434, par. 3, line 7. For "three later years" read "four later years."

Page 461, par. 4, line 8. For "Article V below" read "Article IV below."

Page 462, par. 2, line 4. For "350 million gold marks" read "330 million gold marks."

Page 464, par. 1, line 6. For "the first and each of the following years" read "the second year up to an amount of 250 millions and each of the following years."

Page 464, par. 1, line 8. For "bonds have been paid off" read "bonds have been paid off up to an amount of 250 million gold marks."

Page 468, par. 1, line 6. For "five members" read "six members."

Page 470, par. 2, line 6. For "under sub-divisions *b* and *c*" read "under sub-divisions *a* and *b*."

# REPARATION

## I. PRESENT STATUS

Reparation took on an entirely new aspect dating from September 1, 1924, when the first year began under the plan of the report of the First Committee of Experts of the preceding April 9. On February 1, 1925, the Reparation Commission, which under the treaty of Versailles was a juridico-politico-economic body representing the creditor states, demobilized into a clearing house for the creditors, though potentially retaining its treaty status.[1] The Experts' Plan system, which relates primarily to Germany though it envisages three other debtors, is bilateral; the treaty system was essentially unilateral. Whatever the future may hold, it is improbable that the bilateral principle will be relinquished. Any dispute which arises under the reparation system will be submitted to arbitration. Outstanding problems will be settled by negotiation.

In the early days of 1925 it is too soon to say whether or not reparation is a settled problem, but it is evident that it is largely settled so far as Germany and the immediate future are concerned. The mere agreement to appoint the Committees of Experts forecast the elision of political considerations from their conclusions. The plan noted that inflation had practically wiped out the German public debt and it proceeded scientifically to substitute the reparation indebtedness for that normal burden. For five plan years, that is through August 31, 1929, the total charges are fixed on a sliding scale up to 2,500,000,000 gold marks;[2] subsequently a supplement, determined scientifically by applying a composite index of prosperity, will be brought into operation. Payments into the German bank of issue to the credit of the Agent General for Reparation Payments constitute "the definitive act of the German Government in meeting its financial obligations."

The system bears a resemblance to income taxation, without any surcharge feature. It is also like a current income tax because it affords, at the present time, no criterion as to how long pay-

[1]*Cf.* p. 306. [2]See p. 298–302.

ments are to continue and how much the payer shall eventually make over to the creditor. It may be anticipated that bilateral negotiations will eventually fix both points, which would seem to be the chief outstanding uncertainties in the system so far as Germany is concerned.

The full operation of the plan system contemplates the flotation of 16,000,000,000 gold marks of German securities: the 11,000,000,000 marks of railway bonds which were delivered to the Reparation Commission early in the process of organization and the 5,000,000,000 marks of industrial debenture bonds which were placed in the hands of the trustee on February 28, 1925. These securities belong to the creditor states, which must reach a decision as to whether they will be taken by the public treasuries, placed on the international market or absorbed by Germany either by general investment or repurchase by the concerns obligated.[1]

The first test of the plan, so far as Germany is concerned, will occur in the third year, beginning September 1, 1926, during which the German budget will have to pay 110,000,000 gold marks to the Agent General for Reparation Payments. In the following year the budget burden will be 500,000,000, and in the fifth year 1,250,000,000.[2] The increase of the burden, in view of the present satisfactory condition of the German budget, will apparently be successfully met, and the ability of the German Government to meet the increased budget burden will doubtless be regarded as an indication of the future success of the plan.

But if political elements are now elided and the debtor's methods of payment determined, there remains the other side of the economic problem—how the creditors can receive the amounts due them on the books. The Committee of Experts was not asked to solve that problem; it was not taken up at the London Conference on Reparation or at the Financial Conference at Paris. It remains outstanding and will be reached as a problem if and when a limit of 5,000,000,000 gold marks is reached in "all funds accumulating in the hands of the reparation creditors in Germany." At such a time, the only present provision is

[1] *Cf.* Report of the First Committee, *Reparation*, Pt. V, p. 380–84, 385, 461, 466.

[2] *Cf.* Protocol of August 8, Chap. I, p. 239, *infra*.

that the German "contributions from the budget are to be reduced below the standards set out in our plan, so that they are not in excess of the withdrawals from the account and the accumulation is not further increased." The experts did "not deny that this part of our proposal will present difficulties of a novel character which can only be solved by experience" of the Transfer Committee. At such a time also it will have to be decided whether reduction of German current payments would operate as a reduction in her obligation or only a postponement. During the first six months no hint of any difficulty on that score had appeared.

It thus appears that both debtor and creditors are likely at a future time to have an interest in solving definitely the questions of the period over which payments are to run and their total amount. Bilateral negotiations on that problem may be regarded as the next, and perhaps final, chapter in reparation. Until that problem is posed in practical form, the present status of reparation may be expected to be operative, taking on concrete form and becoming an economico-financial system of world-wide significance.

The basic elements of that system as now apparent from the agreements made are presented in the following pages.

## II. THE LONDON CONFERENCE

The reports of the two Committees of Experts appointed by the Reparation Commission on November 13, 1923, were formally presented to that body on April 9, 1924. On April 11, the commission passed a resolution that the reports "offer a practical basis for the rapid solution of the reparation problem." The German Government on April 16 declared "its willingness to collaborate in the execution of the Experts' Plans." On the following day, the commission approved the reports "within the limits of its powers, and decided to transmit them to the Governments concerned." Favorable replies from creditor Governments were received from France on April 25;[1] Belgium on April 24; the British Empire on April 24; Italy on April 24; the Serb-Croat-Slovene State on April 26; and Japan on April 28. There followed on April 28 the appointment of committees, which included German representatives, to serve on the organization committees for the German railroad company, for the issuance of industrial debentures and for the Reichsbank.

In the next two months, progress was somewhat slow, owing to the French electoral campaign, the May elections, the defeat of the Poincaré Government, the accession to power of the *bloc des gauches*, the presidential electoral controversy resulting in M. Doumergue succeeding M. Millerand on June 13, and the taking over of the government by Premier Herriot.

The Poincaré Government had accepted the Experts' Reports, so that there was no likelihood of an internal French divergency of policy arising on that capital point. However, the Left parties held quite different points of view on other connected matters, such, for instance, as the occupation of the Ruhr. Nevertheless, the essential attitude of all Frenchmen is the same, and the possibility of internal differences at that time revolved around differences in method of procedure rather than of purpose. M. Herriot made his policy evident at once. He sought as close cooperation as possible with the British Government, and toward

[1]The French acceptance was not unequivocal. The texts are in *Le Temps*, April 27; London *Times*, April 28, p. 11, and New York *Times*, April 27, p. 1; *Le Temps*, May 1.

Germany he held an attitude designed to encourage the Berlin Government to put its best foot forward.

## French and British Policy

M. Herriot visited Premier MacDonald of Great Britain on June 21 and 22. The preoccupation of his mind is reflected in his remarks during the interviews held at Chequers Court. The minutes of the conversations were published by *L'Éclair* on December 27, 1924. The record of June 22, which bore intimately upon the questions then uppermost, is summarized as follows:[1]

At the beginning, Mr. MacDonald put the question whether the Germans should be invited to the London conference, and in what conditions. This brought from M. Herriot the declaration that, while he wished to admit the Germans, he did not want to go too quickly lest public opinion in France should be disturbed.

"All the results we might obtain," he said, "would be hidden by one word thrown out to public opinion; Capitulation." The strong Nationalist minority in the Chamber of Deputies would profit by that, and in the Senate he had only a slight majority. "If my ministry falls," added M. Herriot,—"and it is perhaps the one most based on the Left—we shall have to look forward to four years of a policy, if not Nationalist, at any rate of compromises and combinations."

M. Herriot laid emphasis on this point of view in speaking of interallied debts, saying that on his return Parliament would ask him what he had done in that regard. Mr. MacDonald said his view had always been that the question of interallied debts should not be mixed with that of the Experts' Report. The British payments to the United States had brought a fresh element into the question, and the British Government would like a general settlement of interallied debts. He therefore suggested that debts should not be discussed at the coming London conference, but should be dealt with on the first suitable occasion afterward. . . .

On the question of security, M. Herriot asked whether Great Britain was willing, once the question of reparation and the Experts' Report was settled, to consider a pact of mutual guaranty under the League of Nations and involving Germany, with reciprocal undertakings not to start aggression. There might first be a pact between the Allies, then another pact offered to Germany.

M. Peretti de la Rocca, French political director of the ministry for foreign affairs, suggested that they might begin by asking for guaranties

[1]London *Times*, December 27, 1924, p. 9.

complementary to those of the League of Nations, and prepare for the exercise of the powers of the League of Nations under Art. 213; to create a permanent technical committee on which allied representation should predominate in close touch with the League Council and create a further organization subordinate to this committee which should control, permanently and on the spot, demilitarization in Rhineland territories; strengthen the provisions of the demilitarization clauses of the treaty of Versailles; provide for measures to be taken in case of breach of the disarmament clauses; and institute a procedure of effective guaranty in case of urgent danger. They might try to agree on the text of a British pact, starting, for example, from Mr. Lloyd George's offer. Once such a pact was concluded, they could consider a pact of nonaggression with Germany. Finally, both the pacts would be brought within the Pact of General Mutual Assistance, then being prepared by the League.

Mr. MacDonald said that before making any engagement he would have to get the support of the Dominions. To be frank, he must tell [M. Herriot] it would perhaps be difficult. Another difficulty was that, if M. Herriot might have to face strong opposition on the part of his predecessors, he himself had to reckon with Mr. Lloyd George, who would go back to the Cannes affair and reproach him with accepting what Mr. Lloyd George had refused and with being more chauvinistic than he (Mr. Lloyd George) was. As for a treaty of mutual guaranty, he ought not to hide the fact that all his naval, army and air service experts and also the Foreign Office were against it. The treaty would involve an increase of their armies, and that would not be supported in Great Britain. He might add confidentially that Sweden, Denmark and Holland were equally hostile to the proposed treaty.

To save the situation, Mr. MacDonald suggested that France, Belgium and Great Britain should first proceed to examine the situation as a whole. If they started with a treaty, they would tie their hands and would prejudice the position of the United States. While waiting for the United States to call a fresh disarmament conference—which might happen before a year had passed—they might survey the whole question and not merely the technical side.

M. Herriot said that they were, he hoped, going to settle the money questions, but what would happen if one day Germany declared that she would not pay, and if she expelled the control organizations and restored the monarchy? They ought to have the courage to recognize that the reparation problem was not only financial but political and military, and that owing to the default of Germany. From information given by General Nollet, a true democrat and a sincere pacifist, it was clear that Germany was preparing an army of a new type. General Nollet's opinion was that with the 100,000 men left to her by the treaty

of Versailles, Germany was going to do once more what Prussia succeeded in doing after the Napoleonic wars. If in 10 or 15 years the League of Nations had not produced an organization capable of affording military protection and if Germany, even republican, tried to free herself from her obligations by force, what should they do? "My country," said M. Herriot, "has a dagger directed at her breast, at an inch from the breast." He would not have done his duty toward his country if he did not render Germany incapable of doing harm. France could not count on an international conference alone, and the United States was a long way off. He would prefer that France should not be paid if she must give up her security. If there were a fresh war, France would be wiped off the map of the world.

Mr. MacDonald, who said he was deeply moved by M. Herriot's words, declared that he did not want to choose the easy path and take part in the offer to France of a military guaranty of security. If he did that, he would only be deceiving them. None of the Dominions would support him, a reactionary Government would take his place, and finally France would have no security. From that moment he was ready to take all steps to begin the consideration of the question. He was in favor of bringing in the League of Nations and of arriving at agreements. But honestly he could not go further at that moment. Let them settle the question of the Experts' Report, then consider interallied debts, then take up the problem of security, and they would try to protect Europe from the risks of war. If France, Belgium and Great Britain formed a strongly united whole, they would have solved nine-tenths of the problem of security.

M. Herriot then closed the conversation by saying: "In short, the most important conclusion is a kind of moral pact of cooperation between us for the good of the general interest and of the world."

## Lay Down Conference Program

The French opposition conducted an active campaign against M. Herriot's attitude of *rapprochement*. This Nationalist effort became so formidable that, on M. Herriot's motion, the two premiers met at Paris again on July 9 to draw up a Franco-British memorandum concerning the application of the Report of the First Committee of Experts. (It may be remarked in passing that the Report of the Second Committee of Experts, dealing with German capital exports, has been completely neglected since its publication. M. Poincaré found nothing useful in it, and M. Herriot contrived to forget it.) The joint memoran-

dum of July 9 embodied the program for the London Reparation Conference. Their memorandum, after recapitulating the existing position respecting the execution of the plan, continued:[1]

5. It becomes necessary, therefore, that the creditor Governments should conclude an arrangement in virtue of which they engage to take the measures within their competence in order to have the Dawes Plan put into operation.

The British and French Governments declare that it is of the highest importance that the Experts' Report shall become operative without delay so as to insure the payment of reparations by Germany and to bring the Allies back to cooperative action.

To this end the two Governments have agreed on the following points:

(*a.*) A conference shall meet in London on July 16; the two Governments note with satisfaction that the United States of America have decided to be represented.

(*b.*) The Governments concerned will first of all confirm the acceptance, so far as they are concerned, of the conclusions of the Dawes Report—an acceptance which they have already announced individually to the Reparation Commission.

(*c.*) The arrangements to be concluded must not diminish the authority of the Reparation Commission. But in view of the fact that some security must be given to the lenders who provide the 800 million gold marks and to the holders of the economic bonds, the two Governments will unite in an effort to secure the presence of an American on the Reparation Commission in the event of the latter having to consider a default on the part of Germany. If this solution proved impossible and in the event of the members of the Reparation Commission being divided in opinion as to the significance of the facts of the case, the two Governments would recommend that the Reparation Commission should call in the Agent General of Reparation Payments, who is to be of American nationality.

(*d.*) The Dawes Report contains provisions to meet minor defaults by means of the various supervisory organizations; but an important wilful default would at once raise the question of Germany's good faith. In the event of the Reparation Commission declaring such a default, the Governments concerned will undertake to confer at once on how to put into operation such measures as they shall agree to take in order to protect themselves and the investors.

(*e.*) The plan by which German economic and fiscal unity shall

[1]*Proceedings of the London Reparation Conference, July and August 1924* (Parl. Pap., Misc. No. 17 (1924). Cmd. 2270), p. 106, 108, 110.

be restored so soon as the Reparation Commission shall have decided that the Dawes Report is in operation, shall be settled at the Interallied Conference. The Reparation Commission will be asked to prepare and present to the Interallied Conference suggestions for such a plan.

(*f.*) Should experience show the necessity for modifications in the Experts' Plan, such modifications should only be introduced subject to all necessary guaranties and by common agreement between the interested Governments, except in so far as the Reparation Commission already has the necessary powers.

(*g.*) In order to take full advantage of the reparation payments provided for in the Experts' Report and to secure that they may benefit the nations interested, the Allies shall appoint a special body to advise the Governments interested what organization should be set up in each country for putting to proper use the payments made by Germany (in particular by way of transfers and deliveries in kind).

(*h.*) It will also be necessary to settle the question who shall be the authority to be intrusted, if the necessity arises, with the interpretation of the Dawes Report, as well as of the arrangements to be concluded in London for putting the report into operation.

6. In the event of difficulties of interpretation arising in connection with the present document, the two Governments agree to refer these to their respective legal advisers.

7. The two Governments have had a preliminary exchange of views on the question of interallied debts. The British Government declare that they will, in consultation with the Governments concerned, seek an equitable solution of this problem, due regard being had to all the factors involved. This question is therefore referred for preliminary examination to the experts of the treasuries.

8. The two Governments have likewise proceeded to a preliminary exchange of views on the question of security. They are aware that public opinion requires pacification; they agree to cooperate in devising, through the League of Nations or otherwise, as opportunity presents itself, means of securing this, and to continue the consideration of the question until the problem of general security can be finally solved.

The Reparation Commission, in response to an invitation from the two Governments, on July 15, reached a unanimous decision "that the putting into execution by Germany of the Experts' Plan implied:"[1]

[1] *Proceedings*, p. 110.

1. The voting by the Reichstag in the form approved by the Reparation Commission of the laws necessary to the working of the plan and their promulgation;

2. The installation, with a view to their normal working, of all the executive and controlling bodies provided in the plan;

3. The definitive constitution in conformity with the provisions of the respective laws of the bank and the German Railway Company;

4. The deposit with the trustees of certificates representing the railway bonds and such similar certificates for the industrial debentures as may result from the report of the Organizing Committee;

5. The conclusion of contracts assuring the subscription of the loan of 800,000,000 (eight hundred million) gold marks as soon as the plan has been brought into operation and all the conditions contained in the Experts' Report have been fulfilled.

John Bradbury.
Louis Barthou.

## Conciliation the Keynote

The London Reparation Conference convened on July 16 and formally ended on August 16, 1924. The final act was not, however, definitely signed until August 30, owing to the stipulation in the documents that they become effective when signed. In each state concerned, the documents were submitted to parliamentary sanction in the interval before the definitive signing. In the case of Germany, the series of internal laws requisite for the execution of the plan was passed before that event.

The conference was in many respects a memorable one. It was the first instance in which the reparation states admitted Germany to the appropriate part of their proceedings and treated the Berlin delegates as the representatives of states are supposed to be treated by international law and courtesy. The delegates never failed to feel and to emphasize the importance of the work they were undertaking, and with the single exception of the British Chancellor of the Exchequer, the utmost courtesy prevailed, and the greatest desire to meet the point of view of others, so far as was consistent with national policy. In fact, this spirit of conciliation resulted in the conference reaching a conclusion upon several points which it had been anticipated would prove insoluble there.

The United States sent delegates to the conference, who, as the records show, were official representatives "with strictly limited powers." The American delegation was listed among the conference delegations without any distinction. Frank B. Kellogg, American ambassador at London, in his address of July 16 said: "It is true we do not come in the same capacity, with the same powers, as the other delegates, because we are not parties to the Versailles treaty or the sanctions now in force, but we come in the same spirit, and desire to be helpful. . . . I can say simply that my Government and the people of the United States believe that the adoption of the Dawes Report is the first great step in the rehabilitation of Europe, the stabilization of our industries and the prosperity and happiness of the people."[1]

The American delegates took an active and useful part in the plenary meetings and the committees, where the experts assisted with reports; but the American delegates did not sign the final act.

The conviction of all concerned that the conference must bring agreement resulted in a large use of committees of jurists. In view of the practice of excluding the Germans from negotiations affecting their fate, which had been followed since the Paris Peace Conference, France had been steadily opposed to admitting them to the conference, which began without any invitation being extended to them. It was obvious, however, that the bilateral character of the Experts' Report required their agreement to some points under discussion. This problem was raised in the plenary meeting on July 23, previous to which the French had agreed that it go before a committee of jurists, to which were submitted the two following questions:

> Does the putting into operation of the Dawes Plan raise questions requiring an agreement with Germany, and if so, what are they?
>
> By what procedure should this agreement be obtained without contravening the treaty of Versailles?[2]

Their report was dated July 25 and was agreed to on July 28.[3] The report itself, a model of legal reasoning,[4] determines the form of the documents drawn up. The committee found that the complete and loyal realization of the plan involved agreements between the Reparation Commission and the German Govern-

[1] *Proceedings*, p. 10.
[2] *Proceedings*, p. 23.
[3] *Proceedings*, p. 37.
[4] *Proceedings*, p. 132.

ment, the Allies and the German Government and between the Allies themselves, and that all of the parties should at least have cognizance of all these agreements. As a consequence it advised that they should be annexed to a final act, which should state that all were agreed upon putting the plan into operation and that the necessary agreements, complementing each other and appended, had been concluded during the conference.

The necessary invitation to the Germans was issued in the name of the president on August 2, and they participated from the plenary meeting of August 4 on.

A minor angle of the conference was the representation of the British Empire. As Mr. MacDonald stated, "the British Empire is at present considering the whole question of how in future delegations to conferences, which may result in obligations being imposed not only upon us here at home but upon the whole of the Empire, shall be selected." The arrangement arrived at with the Dominions was very hurried and temporary. It was that the "representatives of any of the Dominions so desiring, and of India, shall become members of the British Empire delegation at the conference on the panel system." He added that the arrangement "was not to be regarded or quoted as a precedent," and that it did not "increase the representation of Great Britain at this conference."[1]

The conciliatory attitude of the delegations was borne out by the expedition with which the decisions to be taken were effected. The problem which created the most difficulty, both among the Allies and with the German delegation, was that of deliveries in kind, additional to those provided for in the treaty of Versailles and subsequent to its operation. The agreement finally reached (Clause 2 of the Allied-German Agreement) resulted in very technical and lengthy arguments.

[1]*Proceedings*, p. 22.

## Ruhr Subject of Separate Notes

The agenda of the conference was especially understood to exclude any discussion of the Ruhr occupation. The Allied-German agreement of August 30 necessarily had to specify some details as to the restoration of the physical and economic unity of Germany in the Ruhr, but Art. 1 of that agreement was given a double unilateral form, so that it did not necessarily go beyond the very reserved reference in the Experts' Report,[1] but outside of the conference, certain understandings were reached which saved the situation for both the French and Belgians on the one side and the Germans on the other. On August 16, the heads of the French and Belgian delegations sent to Chancellor Marx the following letter, to which he replied on the same date:[2]

Mr. Chancellor,—We have the honor to inform you of the following statement which we make on behalf of our two Governments:

"The French and Belgian Governments, confirming their previous declarations to the effect that the occupation of the Ruhr was carried out by them in virtue of the treaty of Versailles, but being determined to respect the undertakings entered into at the time of the occupation, which had no object other than that of obtaining from Germany guaranties for the carrying out of her obligations, declare that if the London agreements freely entered into for the putting into force of the Experts' Plan are carried out in the spirit of good faith and pacification which has inspired the deliberations of the conference, they will proceed to the military evacuation of the Ruhr within the maximum period of one year from the present date. We shall be glad if your Excellency would acknowledge receipt of this communication."

(Signed) Herriot.
Theunis.
Hymans.

The German reply was as follows:

Gentlemen,—I have the honor to acknowledge receipt of your letter of today's date in which you communicate to me the declaration of the French and Belgian Governments regarding the evacuation of the Ruhr territory.

In taking note of this declaration, I maintain the point of view upheld on different occasions by the German Government that the occupation of German territories beyond the German frontiers fixed by Art.

[1] *Reparation*, Pt. V, p. 365. [2] London *Times*, August 18, 1924, p. 16.

428 of the treaty of Versailles can not be recognized as lawful. At the same time I would express my conviction that it would be desirable to hasten as much as possible military evacuation so as to terminate it before the date fixed by you. I trust that the French and Belgian Governments will consider this point of view.

(Signed) MARX.

Although the French and Belgians did not agree to the German insistence upon immediate evacuation, they, nevertheless, added to that exchange of letters another one announcing a voluntary act of immediate evacuation, which was gratefully accepted by the Germans. The supplementary correspondence follows:[1]

Mr. Chancellor,—At the moment when the London conference is about to close, a conference which marks a serious effort to establish a régime of international concord, the French and Belgian Governments, desirous of giving immediate and spontaneous proof of their desire for peace and their confidence in undertakings freely entered into, have decided to order on the morrow of the final signatures the military evacuation of the zone between Dortmund and Hörde and of territories outside the Ruhr[2] occupied since January 11, 1923. This evacuation will be carried out simultaneously with the economic evacuation of the same zones.

The German Chancellor's reply was very cordial:

Gentlemen,—I have the honor to acknowledge receipt of your letter of today's date in which you confirm that on the morrow of the final signature of the London agreement the military evacuation of the Dortmund-Hörde zone as well as that of the parts of territories occupied after January 11, 1923, and situated outside the Ruhr region, will be ordered. I rejoice at this decision which, in your confidence in the agreements which have been reached, you have taken to restore peace. The German Government is determined to be guided by the same spirit. It hopes that the carrying out of this decision will mark the beginning of a new era which will conduct us to a peaceful and fruitful development of the relations between our countries.

Great Britain, which was very anxious to evacuate the Cologne sector on the right bank of the Rhine, was not entirely satisfied with the delay indicated in the first exchange of correspondence, although the immediate evacuation of Dortmund and Hörde,

[1] London *Times*, August 18, 1924, p. 16.

[2] The evacuation took place October 22, 1924 (*Le Temps*, October 23, p. 1) and November 17–18 (*ibid.*, November 16, p. 6).

the two easternmost occupied points of the Ruhr, undoubtedly met with its approval. Premier MacDonald, accordingly, addressed to the French and Belgian premiers the following letter:[1]

In view of the new agreement which has been reached regarding the occupation of the Ruhr and of the exchange of notes between the three Governments primarily concerned, it is necessary that I should reiterate in writing the position of the British Government as I have so frequently explained it during the last two or three days.

The British Government has never recognized the legality of the occupation of the Ruhr or the interpretation of the clauses in the treaty of Versailles upon which their Allies acted. They hoped that, as that occupation was undertaken solely for economic purposes, it would be withdrawn so soon as the Dawes Report was put in operation. The expert committee, because their terms of reference were too limited, had to refrain from making recommendations regarding this military occupation, but they made it clear that the economic effect of the occupation could not be overlooked if and when their report was acted upon.

The Occupying Powers and the German Government have agreed to accept an arrangement by which the occupation shall not extend beyond 12 months from this date, but may be terminated earlier. The British Government, without prejudice to the position which they and their predecessors have taken up as to the interpretation of the treaty, but being anxious to see the Dawes Report in operation, simply note the agreement, and urge most strongly that the Governments concerned should take every possible step to hasten the evacuation, as, in the opinion of the British Government, the continued occupation may prejudice the working of the Dawes Plan, and jeopardize the arrangements agreed to at the London conference.

The final protocol and annexed agreements were not signed at the conference. This unusual procedure was due to the complications of bringing the plan system into force. The engagements concerning the several states were of such a character as to require parliamentary sanction before executive ratification. Part of the German Government's obligation was to secure the legislative passage of several laws in terms meeting the approval of the Reparation Commission. Further, all of the agreements should enter into force at one and the same time, in order that the periods for bringing the plan into operation might have a definite date from which to run. As a consequence, it was

[1]London *Times*, August 19, 1924, p. 10.

arranged that the agreements should come into force when signed, without any provision for exchange of ratifications. Between August 16 and August 30, the date of affixing the formal signatures, the parliaments discussed and approved the action of their Governments. The passage of the German laws was not effected until the last minute, and in fact they bear the same date as the protocol. The decisions of the conference, being a final protocol and four annexes, make clear the subject matter of the settlement reached at the conference. The texts are as follows:

## FINAL PROTOCOL[1]

The representatives of the Belgian Government, the British Government (with the Governments of Canada, Australia, New Zealand, South Africa and India), the French Government, the Greek Government, the Italian Government, the Japanese Government, the Portuguese Government, the Rumanian Government, the Serb-Croat-Slovene Government, and the German Government, accompanied by the representatives of the Government of the United States of America, with specifically limited powers, and the representatives of the Reparation Commission, being assembled at the Foreign Office under the chairmanship of the Right Honorable James Ramsay MacDonald, prime minister and secretary of state for foreign affairs, on the conclusion of the proceedings of the London Conferencc on the application of the plan presented to the Reparation Commission on April 9, 1924, by the First Committee of Experts appointed by it on November 30, 1923,

The president states that all the Governments concerned and the Reparation Commission have confirmed their acceptance of the plan and have agreed to its being brought into operation, and that in the course of the proceedings of the conference certain agreements which are necessary to enable the plan to be brought into operation have been drawn up, or already signed, by the parties concerned. It is understood that these agreements, which have now been signed or initialed *ne varietur* (except as regards the dates laid down in the agreement forming Annex III hereto, which will be extended by seventeen days) and are annexed hereto, are mutually interdependent. The representatives of the parties concerned will meet in London on August 30 next in order to effect, at one and the same session, the formal signature of the documents which affect them and have not already been signed. On this occasion a certified copy of the agreement concluded between the Allied Governments will be communicated to the German Government.

[1]*Proceedings of the London Reparation Conference*, p. 322.

The statement of the president having been approved unanimously by the representatives of the Governments concerned and of the Reparation Commission, the president declares the proceedings of the conference at an end.

*London, August* 16, 1924.

J. RAMSAY MACDONALD, *President.*
M. P. A. HANKEY,
*Secretary-General.*
JACQUES DAVIGNON,
*Belgian Secretary.*
RALPH F. WIGRAM,
*British Secretary.*
R. MASSIGLI, *French Secretary.*
GEORGE V. MÉLAS,
*Greek Secretary.*
GINO BUTI, *Italian Secretary.*
IYE MASA TOKUGAWA,
*Japanese Secretary.*
JOÃO DE BIANCHI,
*Portuguese Secretary.*
D. N. CIOTORI,
*Rumanian Secretary.*
G. DIOURITCH,
*Serb-Croat-Slovene Secretary.*
E. WIEHL, *German Secretary.*

*Reparation Commission*
*Representative.*

## ANNEX I[1]

### *Agreement between the Reparation Commission and the German Government*

The contracting parties,

Being desirous of carrying into effect the plan for the discharge of the reparation obligations and other pecuniary liabilities of Germany under the treaty of Versailles proposed to the Reparation Commission on April 9, 1924, by the First Committee of Experts appointed by the commission (which plan is referred to in this agreement as the Experts' Plan), and of facilitating the working of the Experts' Plan by putting into operation such additional arrangements as may hereafter be made between the German Government and the Allied Governments at the

[1]The agreement was negotiated at the request of the conference dated August 2, 1924.

conference now being held in London, in so far as the same may lie within the respective spheres of action of the Reparation Commission and the German Government;

And the Reparation Commission acting in virtue not only of the powers conferred upon it by the said treaty, but also of the authority given to it by the Allied Governments represented at the said conference in respect of all payments by Germany dealt with in the Experts' Plan, but not comprised in Part VIII of the said treaty;

Hereby agree as follows:

I. The German Government undertakes to take all appropriate measures for carrying into effect the Experts' Plan, and for insuring its permanent operation, and in particular

(*a.*) It will take all measures necessary with a view to the promulgation and enforcement of the laws and regulations required for that purpose (especially the laws on the bank, the German railways and the industrial debentures) in the form approved by the Reparation Commission.

(*b.*) It will apply the provisions contained in Annex I hereto as to the control of the revenues assigned as security for the annuities under the Experts' Plan and other matters.

II. The Reparation Commission undertakes on its side to take all appropriate measures for carrying into effect the Experts' Plan and for insuring its permanent operation, and in particular

(*a.*) For facilitating the issue of the German loan contemplated in the Experts' Plan.

(*b.*) For making all financial and accounting adjustments necessary to give full effect to the Experts' Plan.

III. The Reparation Commission and the German Government agree

(*a.*) To carry into effect in so far as the same may lie within their respective spheres of action such additional arrangements as may hereafter be made between the German Government and the Allied Governments at the said conference now being held in London, including any provisions which may be so agreed for carrying into effect the Experts' Plan or for the introduction of modifications of detail in the working of the said plan. The said additional arrangements when concluded shall be added in the form of a second schedule to this document and shall be identified by the signatures of two members of the Reparation Commission on behalf of that body and of two duly authorized representatives of the German Government.

(*b.*) Any dispute which may arise between the Reparation Commission and the German Government with regard to the interpretation either

of the present agreement and its schedules or of the Experts' Plan or of the German legislation enacted in execution of that plan, shall be submitted to arbitration in accordance with the methods to be fixed and subject to the conditions to be determined by the London conference for questions of the interpretation of the Experts' Plan.

This provision shall be without prejudice to the arbitration clauses included in the Experts' Plan or in the said German legislation or in any of the annexes hereto.

IV. If no agreement shall be reached at the London conference between the Allied Governments and the German Government for the purpose of carrying into effect the Experts' Plan, this agreement shall be void.

*London, August* 9, 1924.

Signed for the Reparation Commission:
LOUIS BARTHOU.
JOHN BRADBURY.
SALVAGO RAGGI.
LÉON DELACROIX.

Signed for the German Government:
MARX.

*Protocol concerning the Contributions to be made from the German Budget and the Institution of Control over the Revenues from Customs and the Taxes on Spirits, Tobacco, Beer and Sugar*[1]

CHAPTER I.—*Budgetary Contributions*

1. Germany has to pay each year from her budget to the agent for reparation payments the following amounts:

(*a.*) In the third year of the execution of the Plan of the Experts, *i.e.*, in the year 1926–27, 110 million gold marks.

(*b.*) In the fourth year of the execution of the Plan of the Experts, *i.e.*, in the year 1927–28, 500 million gold marks.

(*c.*) In the fifth year of the execution of the Plan of the Experts and the following years, *i.e.*, from the year 1928 onward, 1,250 million gold marks.

(These payments do not comprise the transport tax.)

2. In the event of the yield of the aggregate controlled revenues as defined in Sect. III exceeding 1 milliard in the third year, or 1¼ milliards in the following year, the budget contributions shall be increased by a

[1]Reparation Commission.—Annexe 2134a, b. No. 60/10, p. 3; *Proceedings*, p. 228.

sum equal to one-third of such surplus, this addition, however, not to exceed 250 million marks.

On the other hand, if those aggregate revenues fall short of 1 milliard in the third year, or of 1¼ milliards in the fourth year, the respective global contributions shall be diminished by one-third of the deficiency, this diminution, however, not to exceed 250 millions.

The amounts by which the contributions from the budget are to be increased or decreased will be established at the end of each year. The surcharges or repayments required thereafter shall be effected by payment of one-quarter in each of the third, the fourth, the fifth, and the sixth months of the following year.

3. All payments to be effected by virtue of the present protocol to the agent for reparation payments by Germany, or for her account, shall be made in gold marks or their equivalent in German currency to the Reichsbank.

For the purpose of the present provision, a gold mark shall be considered as equal to the value of 1/2790 kilog. of fine gold at the London quotation. This value is to be fixed on the basis of the London gold prices on the third market day before maturity. The conversion into German currency is to be based on the average rate ("Mittelkurs") of the last official quotation on the Berlin Stock Exchange for a cable transfer on London three clear days before the due date of each instalment. In cases where, by agreement, payments should be made at a date prior to the due date, the actual date of payment would be substituted for the due date for purposes of conversion.

## Chapter II.—*Supplementary Budgetary Contributions*

1. From the sixth year of the execution of the plan, *i.e.*, from the year 1929–30 onward, an increase of the budgetary contribution provided for the standard year (1928) shall take place in accordance with the index of prosperity laid down below.

2. For the purpose of establishing the index, the following statistical data shall be employed:

(*a.*) The total of German exports and imports taken together.

(*b.*) The total of budget receipts and expenditure taken together, including those of the States of Prussia, Saxony and Bavaria, after deducting from both sides the amount of the peace treaty payments included in the year.

(*c.*) Railroad traffic as measured by the statistics of the weight carried.

(*d.*) The total money value of the consumption of sugar, tobacco, beer and alcohol within Germany, measured by the prices actually paid by the consumer.

(*e.*) The total population of Germany computed from the last available census data, vital statistics and emigration records.

(*f.*) The consumption of coal (and lignite reduced to coal equivalent) *per capita.*

3. In computing the base, the average statistics for the three years 1927, 1928 and 1929 shall be taken for budget receipts and expenditure (*b*), for the figure of the population (*e*), and for the consumption of coal *per capita* (*f*), and the returns of the six years 1912 and 1913, 1926, 1927, 1928 and 1929 for the other categories, due allowance being made in the latter case for the difference in population and the altered gold values to make the two earlier years comparable with the four later years. The percentage change for each of these six groups, compared with the base, shall be separately computed, and an arithmetical average of the six percentage results taken as the index.

4. During the five years from 1929–30 to 1933–34 the index figures shall be applied to the amount of 1,250 millions, *i.e.*, only half of the standard payment, in order to obtain the supplement for the year; during the following years, viz., as from 1934–35 onward, it shall be applied to the standard payment, viz., 2,500 millions.

5. The supplementary payment shall be reckoned only for each completed ½% of the index, *i.e.*, an index average of 11.35% would be reckoned as 11%.

6. At the end of each year of the execution of the plan, the supplement, if any, shall be computed on the basis of the returns of the preceding calendar year, and the result shall be communicated to the Reparation Commission. The supplement for the year 1929–30 shall be computed by comparing the statistics of the calendar year 1929 itself with the index base and shall be paid before the end of the fourth month of the year 1930–31.

7. In the event of the index of any year producing, as the supplement, a "minus quantity," the normal payment shall continue to be made; but subsequent supplementary payments shall not accrue due until allowance has been made therefrom for such deficiency or "minus payment" of previous years.

8. The rules and regulations according to which the index is to be computed, as well as the data and the methods to be used with a view to ascertaining that the statistics furnishing the several elements of the index are as correct and unquestionable as possible, shall be fixed in detail by a committee, to consist of four members. Two of these members shall be appointed by the German Government and two by the Reparation Commission. The German Government will have the index computed by the "Statistische Reichsamt" in accordance with the methods indicated by the committee.

The committee shall be entitled to verify the statistics (more particularly the declarations and the statements) on the basis of which the categories (*a*) and (*f*) (Chap. II, 2) have been calculated.

The same statistics shall, under the same conditions and at his request, be brought to the knowledge of the Commissioner of Controlled Revenues.

In the event of the members of the committee not being able to come to an agreement on these various questions, they will request the Finance Section of the League of Nations to appoint a president. On the demand of the German Government, this president shall be a national neither of Germany nor of a country represented upon the Reparation Commission.

Any controversy arising between the German Government and the Reparation Commission in respect of the statistics serving as a basis for the index as well as regarding their application or regarding the computation of the index itself shall be settled by the same committee by application of the same procedure.

9. From the year 1928 onward the German Government, the Reparation Commission and the Governments represented on the Reparation Commission shall each have the right in any future year to ask for a revision of Germany's liabilities on the ground that the general purchasing power of gold—as compared with 1928—has altered by not less than 10 %. The revision to be made may apply both to the standard contribution and to the supplementary payment in accordance with the index of prosperity; as regards the latter, however, only in so far as the alteration of the purchasing power of gold has not already played a part in determining the figures of the several elements of the index of prosperity. Failing mutual agreement, a decision shall be given by an arbitral committee appointed by the League of Nations. After the decision, the altered basis shall stand for each succeeding year until a claim be made by either party that there has again been a change since the year to which the alteration applied of not less than 10 %.

The alterations under this paragraph shall be made by reference to such generally approved index numbers of prices (German or non-German) singly or in combination as they have been agreed to or as the arbitration may decide.

## Chapter III.—*Control of the Assigned Revenues* [1]

1. By way of security for the contribution from the German budget (Chaps. I and II) and by way of a collateral security for the guaranty given by the German Government for the payments provided for under the "Statutes of the German Railways Joint Stock Company" and of the "Industrial Charges Law" the German Government shall assign

[1]Originated from a proposal by France on August 2 (*Proceedings*, p. 166).

the returns from customs and from the taxes on spirits, tobacco, beer and sugar and shall subject them to a control under the following conditions:

2. The exercise of the control shall be intrusted to a commissioner whose experience and capacity in this domain are generally recognized. He shall be appointed by the Reparation Commission and shall be responsible to that commission.

For each of the five assigned revenues, the commissioner will have a subcommissioner to assist him in the exercise of the control.

The commissioner shall have the assistance of an advisory committee, to which the United States of America, France, Great Britain, Italy and Belgium shall appoint one representative each.

3. The German services shall transfer the assigned revenues to the commissioner. These remittances shall be effected not later than the twentieth day of each month to the account of the commissioner with the branch of the Reichsbank to be designated by him, and in the following manner:

(*a.*) The ten most important "Zollkassen" will directly transfer the total amount collected by them during the preceding month in respect of the five controlled revenues.

(*b.*) The "Oberfinanzkassen" will transfer the total amount in respect of the five controlled revenues collected during the preceding month either by themselves or by the "Zollkassen," except those named under (*a*) above.

(*c.*) The "Branntwein-Monopolverwaltung" will pay the whole of the receipts from the spirits monopoly collected by itself during the preceding month.

In the case of the customs and the taxes on tobacco, beer and sugar, the amounts to be paid shall be the gross receipts, in the case of the spirits monopoly the net receipts.

The ten most important "Zollkassen" in the sense of (*a*) for the current fiscal year are those which have collected for the Reich during the first quarter of the current fiscal year the biggest receipts from customs, tobacco, beer and sugar taxes. For the subsequent fiscal years, the biggest "Zollkassen" will in every case be considered to be those which during the preceding calendar year have shown the biggest receipts from the controlled revenues.

The returns from the controlled revenues shall be entered in separate receipt-accounts kept at the collecting offices, and until the transfer to the account of the commissioner they shall be blocked at the payment offices mentioned above under (*a*)–(*c*) in such a way as to assure that the said payment offices will always have at their disposal an amount

equal to the sums paid direct to them or to the sums transferred to them.

In the official monthly publications regarding the returns from the taxes of the Reich, the assigned revenues should only appear under a separate head.

4. The commissioner will dispose in the following way of the amounts transferred to him:

(*a.*) In the first and second years, *i.e.*, during the years 1924–25 and 1925–26, during which Germany is not bound to effect any payments out of her ordinary budget, the commissioner will, subject to Art. 5, par. 2, and Art. 16, give orders to the effect that the amounts paid to his account be immediately replaced at the disposal of the German Government, as soon as he has received the total amount due from the returns of the assigned revenues.

(*b.*) From the third year onward, the commissioner will retain as much of each monthly payment as is necessary to cover one-tenth of the budget liabilities for the current year (*cf.* Chaps. I and II).

But of the amounts retained he will transfer each month to the agent for reparation payments one-twelfth of the budget liabilities for the current year. The balance will be used by him for the accumulation of a reserve fund until such time as, including interest accrued, this fund amounts to 100 million gold marks. After that date and as long as the fund remains at 100 million gold marks, the commissioner will retain only so much of each monthly payment as is necessary to cover one-twelfth of the budget liabilities for the current year.

The amounts not to be retained by the commissioner under the above provisions will be returned by him to the German Government at the latest within one week after the whole of the monthly receipts from the assigned revenues have been remitted to him.

The reserve fund is intended primarily to meet any deficiencies in the assigned revenues, should they in any month fall short of one-twelfth of the budget liabilities for the current year. If the reserve fund has been drawn upon to meet the deficiencies, it shall be replenished in accordance with the procedure laid down above (monthly retention of one-tenth instead of one-twelfth and of the accruing interest until such time as it again amounts to 100 million gold marks).

The commissioner is bound to invest the moneys of the reserve fund to the best advantage, without, however, depriving himself of the liberty of action indispensable to him. The accruing interest shall be credited to the reserve fund and shall be remitted to the German Government as soon as the reserve fund totals 100 million gold marks.

5. In the event of the interest and sinking fund payments on the

railway bonds and industrial debentures not being made at the due date or not being made in full, and of the trustee for the said bonds asking the commissioner for the payments due for the said interest and sinking fund, the commissioner will have recourse to the reserve fund mentioned under Art. 4, and, in so far as the reserve fund proves insufficient to cover the deficiency, the commissioner will retain so much of the amounts to be returned to the German Government pursuant to the above provisions as is sufficient to enable him to effect the payments demanded by the trustee, as well as to restore the reserve fund to its *status quo ante.* The same procedure will be adopted to restore the reserve fund to its former status if the reserve fund has proved sufficient to meet the deficiency. The commissioner shall, instead of returning the funds, hand over to the German Government the redeemed interest coupons and debentures.

In the event of the trustee for the railway bonds or the trustee for the industrial debentures giving notice to the Commissioner of Controlled Revenues that it is to be feared that the periodical payments for interest and sinking fund on the above-mentioned bonds will not be made on their due dates or will not be made in full, the commissioner is entitled to retain as from the day of this communication an amount sufficient to meet the probable deficiencies notified by the trustees. Notice can not be given by the trustees to the commissioner earlier than six weeks before the due date of the respective interest and sinking fund payments mentioned above, and only from the second year of the execution of the plan onward. As soon and in so far as the amounts retained prove not to be required for the payment of the interest and sinking fund amounts in question, they shall, together with the interest accrued, be forthwith repaid to the German Government.

6. From the coming into force of the Experts' Report, the commissioner will have the following rights:

(*a.*) In order to enable the commissioner to ascertain whether all the assigned revenues have been regularly collected from the taxpayers and have passed through the control administration, he shall be handed every month certified tabular statements containing continuous information concerning each of the controlled revenues, both in their entirety and with regard to every single tax-collecting office. Moreover, the commissioner shall be entitled to inspect the documents and vouchers which form the basis of the monthly schedules drawn up by the "Reichsrechnungsstelle", showing the returns of the controlled revenues, and on the basis of which the "Reichshauptkasse" keeps its accounts of the controlled revenues.

(*b.*) Furthermore, all the draft laws and ordinances concerning the controlled revenues shall be communicated to the commissioner; those

bills and ordinances which need the consent of the "Reichsrat" for promulgation simultaneously with their communication to the "Reichsrat"; all other ordinances simultaneously with their communication to the "Landesfinanzämter." Decrees circulated to the "Landesfinanzämter" regarding the collection of and accounts kept for the assigned revenues, shall be communicated to the commissioner at the same time as to the "Landesfinanzämter."

The commissioner and the subcommissioners will be in permanent contact with the ministry of finance. They will have access to the minister of finance himself, to the competent secretary of state and to the competent departmental director, who shall see to it that they and their accredited representatives are placed in touch once and for all with those officials who may be useful to them in the performance of their task. The commissioner is entitled to require any information which he deems useful for the performance of his task. The competent department of the ministry of finance shall supply him as quickly as possible with such information and with the requisite documents and data. With a view to procuring such information, the commissioner may also visit provincial or local administrative offices and factories subject to fiscal supervision, and may inspect at the above-mentioned offices the books and documents concerning the assigned revenues. For the same purpose he may likewise delegate his representatives or experts. Such visits will be effected by the commissioner or by his mandatory in the company of an official appointed by the Reich ministry of finance, unless no official be available at the time desired.

7. The rights of the commissioner as laid down in Art. 6 shall be extended:

(*a.*) If for three consecutive months the amount of the assigned revenues paid to the account of the commissioner is less each month than 120% of one-twelfth of the budget liabilities for the current year (*cf.* Chaps. I and II); or

(*b.*) If for six consecutive months—during which the relevant legislation, and more particularly the tariffs, have remained unmodified—the amount of the assigned revenues paid to the account of the commissioner falls short in all by more than 35% of the amount for the corresponding months of the preceding year, or falls short by more than 30% of the average amount for the corresponding months of the two preceding years; or

(*c.*) If for six consecutive months—during which the relevant legislation, and more particularly the tariffs, have remained unmodified—the total yield remitted by one of the controlled revenues falls short by more than 50% of the yield remitted during the corresponding months of the preceding year.

The extended rights which the commissioner may exercise either singly or concurrently are the following:

(*a.*) He may propose that the Reich minister of finance should use as strictly as possible, and to their full extent, the powers granted to him by existing laws to increase the yield of the assigned revenues, or he may propose that he should cancel all the facilities and concessions granted under the laws in force, such as the complete or partial remittance or reimbursement of taxes or the granting of respite, etc., until such time as the conditions on which the extension of the commissioner's right was based will have ceased to exist.

In submitting these proposals, the commissioner will make due allowance for economic needs, more particularly as regards exports, to the full extent compatible with fiscal requirements.

(*b.*) He may, except in the case of customs duties, veto measures reducing the tariffs for those revenues, the receipts of which have decreased; and in the case of all revenues, the receipts of which have grown smaller, he may protest against the mitigation of penalties or against any measures of a general nature which are liable to diminish or to delay the yield of these revenues. Accordingly, all bills and ordinances regarding the assigned revenues, as well as all decrees circulated to the "Landesfinanzämter" concerning the collection of, and accounts kept for, the assigned revenues, will be communicated to him before being submitted to the "Reichsrat" or to the "Landesfinanzämter." If within a week from the communication of the bill, etc., the commissioner fails to protest, he is assumed to be in agreement with the bill, etc.

(*c.*) He may instruct his mandatories or experts to ascertain the special causes of the decrease in the receipts of certain revenues. For this purpose he may, after notifying the Reich ministry of finance, install representatives or experts in certain "Landesfinanzämter" or in local customs offices or in both. In this case a German official will be associated with them with a view to facilitating the carrying out of their mandate, and to giving them an insight into the details of the internal and external working of the service.

(*d.*) In the event of the transfer of the receipts of the controlled revenues by the "Oberfinanzkassen" provided in III, 3, having in his opinion given rise to irregularities, the commissioner shall be entitled to claim that the number of important "Zollkassen" which are bound to effect direct payment be increased beyond the number of ten.

The extended rights of the commissioner will lapse when the causes which have led to their extension have ceased to exist and this new state of affairs has been maintained for three months.

8. The German Government shall temporarily assign as security—on conditions identical with those regulating the pledging of the former

receipts—other indirect taxes sufficient to produce, jointly with the revenues hitherto assigned, at least one-tenth every month of the budget liabilities for the current year (*cf.* Chaps. I and II), in any one of the following cases:

(*a.*) If the receipts of the controlled revenues decline to such an extent that for three consecutive months—or for two consecutive months, provided the minister of finance has not given effect to the proposals submitted to him by the commissioner (Art. 7, par. 2(*a*) )—in spite of a complete absorption of the reserve fund—the commissioner has been unable each month to pay over to the agent for reparation payments one-twelfth of the annual budget liabilities fallen due (*cf.* Chaps. I and II).

(*b.*) If the minister of finance has not given effect to the proposals submitted to him by the commissioner, and if the receipts of the assigned revenues have not increased to such an extent as to insure that during the fourth and the two following months after the commissioner has submitted his proposals, the fraction of the assigned revenues handed over to the commissioner will again amount to 120% of one-twelfth of the budget liabilities of the current year.

As soon as the revenues originally assigned considered *per se* have for three consecutive months again produced a minimum of 120% of one-twelfth of the budget liabilities of the current year, the temporary pledging of the new taxes will end. At the same time the rights of the commissioner will again be reduced to those indicated in Art. 6.

9. If, on the other hand, the total receipts of the old and new pledged taxes taken together decrease to such an extent that during three consecutive months there can not be transferred an amount at least sufficient to cover three-tenths of the budget liabilities of the current year, the commissioner shall have the following rights:

He may, after consultation with the agent for reparation payments, require the execution of such measures as, in his opinion, are requisite and appropriate to redress existing shortcomings and to increase the receipts of the fiscal resources, the decline of which has caused the deficiency.

If these measures have been taken and applied, and if for at least four consecutive months the taxes assigned as security have yielded each month at least one-tenth of the budget liabilities, the measures shall be repealed in whole or in part, if the minister of finance and the commissioner consider that they are no longer necessary.

10. If these measures, in so far as they are covered by existing legislation, are not carried out immediately and, in so far as they involve an alteration of existing legislation, are not carried out within two months, or if they do not lead to the result that at the latest in the fourth month

after their coming into force one-tenth at least of the budget liabilities of the current year is handed over, the commissioner shall be entitled to claim, after consultation with the agent for reparation payments, that the administration of these revenues be changed. For this purpose he may claim that one or several autonomous organizations independent of the state be constituted which would have to administer those categories of taxation the failure of which occasioned the deficiency. But, in the event of the Reich minister of finance demanding it, such a change of organization can only be carried out after the arbitrator mentioned under Art. 14 has decided that this measure is necessary and apt to increase the returns from taxation so as to guaranty the annual budget liabilities (*cf.* Chaps. I and II).

11. The rates of the assigned duties on spirits, tobacco, beer and sugar shall not be reduced by the German Government without the consent of the commissioner.

12. The commissioner shall avoid any interference with the customs tariff policy of the German Government.

13. All the provisions of the present protocol shall be interpreted and applied in such a way as to insure that the persons charged with the control of the assigned revenues, as well as the experts appointed by the commissioncr, will, when not on duty and even beyond the term of their activity as controllers, observe the strictest secrecy regarding the facts that may come to their knowledge in connection with the control and more particularly that the fiscal and trade secrets of the businesses involved will not be violated.

14. Any divergencies of opinion arising between the commissioner and the German Government with regard to the interpretation of this protocol and more particularly with regard to the rights enjoyed by the commissioner shall, at the request of the German Government or of the commissioner, be decided by an arbitrator to be appointed by the president at the time of the Permanent Court of International Justice of The Hague who, on the demand of the German Government, must be a national of a country other than Germany or the countries represented upon the Reparation Commission. Except in the case covered by Art. 10, an appeal to the arbitrator will not operate to suspend action.

15. All expenses incurred by the commissioner, the subcommissioners and their entire staff shall be met from the fixed annuities to be paid by Germany; they must not increase the said annuities. Only the supplementary expenses of control occasioned by the fact that the legitimate claims of the commissioner have not been complied with by the German administrative authorities will have to be defrayed by Germany in addition to the budget liabilities mentioned in Chaps. I and II. The

arbitrator provided in Art. 14 will decide whether and to what extent Germany has incurred such a liability.

16. In so far as at the beginning of the last quarter of the second year of the execution of the plan the danger may arise that the sale of preference shares of the company "Deutsche Reichsbahn," or that an internal loan will not produce an amount sufficient to meet the extraordinary liabilities falling due in the course of this year to an amount of 250 million gold marks, the commissioner shall be entitled, at the request of the agent for reparation payments, to retain from the receipts cashed by him during the last three months of the current year and during the first month of the next year a quarter each month of the amount required to cover the deficiency.

17. The provisions of this chapter regarding the assignment of certain revenues as security do not affect the budget liabilities contained in Chaps. I and II.

## Annex II

*Agreement between the Allied Governments and the German Government concerning the Agreement of August 9, 1924, between the German Government and the Reparation Commission.*

The representatives of the Governments assembled in London,

Having taken note of the provisions of the agreement signed in London on August 9, 1924, between the German Government and the Reparation Commission, and of the questions of which under Art. III of the said agreement the settlement must be completed,

Agree that the following clauses shall be embodied in the said agreement:

### Clause 1[1]

The procedure for the settlement of disputes contemplated in Art. III (*b*) of the said agreement of August 9, 1924, shall be as follows:

Subject to the powers of interpretation conferred upon the Reparation Commission by par. 12 of annex II to Part VIII of the treaty of Versailles and subject to the provisions as to arbitration existing elsewhere, and in particular in the Experts' Plan or in the German legislation enacted in execution of that plan, all disputes which may arise between the Reparation Commission and Germany with regard to the interpretation either of the agreement concluded between them, the Experts' Plan, or the German legislation enacted in execution of that plan, shall be submitted for decision to three arbitrators appointed for five years; one by the

[1]This clause was proposed by the interallied legal committee of the conference on August 4 (*Proceedings*, p. 76, 192) and approved at the interallied plenary meeting of August 12.

Reparation Commission, one by the German Government, and the third, who shall act as president, by agreement between the Reparation Commission and the German Government, or failing such agreement, by the president for the time being of the Permanent Court of International Justice.

Before giving a final decision and without prejudice to the questions at issue, the president, on the request of the first party applying therefor, may order any appropriate provisional measures in order to avoid an interruption in the regular working of the plan and to safeguard the respective rights of the parties.

Subject to any decision of the arbitrators to the contrary, the procedure shall be governed by the provisions of the convention of The Hague of October 18, 1907, on the pacific settlement of international disputes.

### Clause 2[1]

The German Government declares—

(*a.*) That it recognizes that the Transfer Committee is free, subject to the conditions of the Report of the Experts, to employ the funds at its disposal in the payment for deliveries on customary commercial conditions of any commodities or services provided for in the program, from time to time prescribed by the Reparation Commission after consultation with the Transfer Committee or by the Arbitral Commission provided for in par. (*d*) below, including in particular coal, coke and dyestuffs and any other commodities specially provided for in the treaty of Versailles, even after the fulfilment of the treaty obligations in regard to these commodities.

(*b.*) That it recognizes that the program laid down by the Reparation Commission, after consultation with the Transfer Committee, or by the Arbitral Commission provided for in par. (*d*) below, for deliveries to be made under ordinary commercial conditions, shall not be subject, as regards the nature of the products, to the limitations fixed by the treaty of Versailles for the deliveries which the Reparation Commission can demand from Germany thereunder; but they shall be fixed with due regard to the possibilities of production in Germany, to the position of her supplies of raw materials and to her domestic requirements in so far as is necessary for the maintenance of her social and economic life and also with due regard to the limitations set out in the Experts' Report.

(*c.*) That it will facilitate as far as possible the execution of the program for all deliveries under either the treaty or the Experts' Report

[1]This clause was one on which France laid much stress. It was much debated with and without the Germans. The principal forms it took are given in *Proceedings*, p. 52, 210, 286, 294, 322. For allied terms *cf.* p. 112, 118, 138.

by means of commercial contracts passed under ordinary commercial conditions; and that in particular, it will not take, nor allow to be taken, any measure which would result in deliveries being unobtainable under ordinary commercial conditions.[1]

The Allied Governments on their side each undertake so far as it is concerned to prevent as far as possible the re-exportation of the deliveries received from Germany, except in accordance with the provisions of Art. V of annex 6 of the Experts' Report.[2]

(*d.*) The German Government further declares that it agrees to the following additional provisions in regard to the fixation and execution of programs for the deliveries of the undermentioned products after the fulfilment of the treaty obligations in regard to such products:

(i.) In default of agreement as regards the programs of deliveries of these products, either between the members of the Reparation Commission, or between the Reparation Commission acting unanimously and the German Government, programs which take due account of ordinary commercial custom shall be laid down for periods to be determined by the special committee referred to in Clause 3 of this agreement by an arbitral commission consisting of three independent and impartial arbitrators. The members of this arbitral commission shall be appointed in advance for a definite period by agreement between the Reparation Commission acting unanimously and the German Government, or, in default of agreement, by the president for the time being of the Permanent Court of International Justice at The Hague. The chairman of the commission shall be a citizen of the United States of America.

(ii.) In laying down the programs, the arbitral commission shall take into account the possibilities of production in Germany, the position of her supplies of raw materials and her domestic requirements in so far as necessary for the maintenance of her social and economic life, and also of the conditions set out in the Experts' Report, nor shall it exceed the limits fixed by the Transfer Committee with a view to the maintenance of the German exchange.

(iii.) The decision of the arbitral commission fixing the programs shall be final.

(iv.) The Allied Governments and nationals shall make every effort to obtain the delivery of the full amounts fixed by these programs by means of direct commercial contracts with the German suppliers.

[1]This paragraph was deemed by the French to be of great importance. It appeared in a form different from the final one in the second report of the Third Committee of the conference, dated July 31, and was discussed in the plenary meeting of August 2 (*Proceedings*, p. 140, 54). On August 2, the Third Committee made a redraft (p. 152) on which the Germans made observations (p. 210), which resulted in a revision by the Experts (p. 292, text at p. 296).

[2]*Reparation*, Pt. V, p. 468–470.

(v.) If any Allied Government considers that it or its nationals have not been able to make commercial contracts to the full amount of the program owing to measures of wilful discrimination or wilful obstruction on the part of the German Government or its nationals,[1] it may submit a reasoned claim to the arbitral commission, and the commission, after hearing the parties, shall decide, as a matter of equity, taking into account the conditions referred to in par. (ii) above, whether there have in fact been measures of wilful discrimination or wilful obstruction on the part of the German Government or of German suppliers.

(vi.) In the event of the arbitral commission deciding this question in the affirmative, it shall require the German Government to insure the delivery of such quantities as it shall decide, and under such conditions, particularly as regards price, as it shall fix.

(vii.) Any disputes which may arise as to the interpretation of the decisions of the arbitral commission shall be submitted to it for final judgment.

(viii.) Nothing in this clause shall affect in any way the powers of the Transfer Committee as set out in the Experts' Report.

The above procedure will apply to the following products:

(i.) Coal, coke and lignite briquettes.

(ii.) Sulphate of ammonia prepared by synthetic processes and other synthetic nitrogenous products. These last-named products can only be called for simultaneously with synthetic sulphate of ammonia and up to a quantity corresponding to the proportion in which these products are manufactured as compared with sulphate of ammonia in the same period of manufacture.

(iii.) Products referred to in par. 5 of annex VI of Part VIII of the treaty of Versailles (English text) with the exception, as regards chemical products, of specialties manufactured by a single "Concern."

As regards the products falling under (iii), the special provisions of par. (*d*) will cease to apply on August 15, 1928.

As regards the products falling under (ii) and (iii) above, the special committee provided for in Clause 3 will draw up a more detailed list. For certain among them, it may fix maximum quantities as regards either weight or value; it may also exclude certain of them, if it is shown that they are indispensable for the protection of German national economy.

[1]See *Proceedings*, p. 59.

### Clause 3[1]

The German Government agrees to the appointment of a special committee, not exceeding six members, composed of an equal number of Allied and German representatives, who shall be appointed by the Reparation Commission and the German Government respectively, with the power in the event of difference to coopt an additional member of neutral nationality to be chosen by the Allied and German members in agreement, or in default of agreement to be appointed by the Reparation Commission. This committee will be charged with the duty of

(1.) Determining the procedure for placing orders and the conditions for carrying out deliveries in kind so as to insure the satisfactory working of such deliveries, adhering as closely as possible to ordinary commercial usage.

(2.) Examining the best means of insuring the fulfilment of the undertakings to be given by the German Government in accordance with Clause 2, pars. (*c*) and (*d*), of this agreement, in particular by providing for the reference to arbitration of any disagrcements which may arise thereon between the interested parties, the decision of the arbitrator or arbitrators being binding on such parties.

(3.) Examining the best means of applying the provisions of the Experts' Report relative to the limitation of deliveries to those which are not of an anti-economic character, and to recommend the measures to be taken against any persons who may infringe the prohibition against re-exportation of deliveries.

The members of the committee may be assisted by such experts as they may consider necessary.

The work of this committee is not in any way to delay the bringing into operation of the Experts' Plan, and its decisions are not to encroach in any way on the powers of the Transfer Committee to be set up under that plan. Its decisions must accordingly before being carried out be approved by the Reparation Commission, and by the Transfer Committee, in so far as the latter is concerned. It is understood that the conclusions of this committee will not be modified without the consent of the German Government.

### Clause 4[2]

If differences of opinion should arise between the Transfer Committee and the German Government on any of the following points relating to the execution of Art. VI of annex 6 of the Experts' Report, viz.:

[1]The exchanges with Germany are in *Proceedings*, p. 210, 292, 300.

[2]This proposal is elaborated from the second report of the Third Committee (*Proceedings*, p. 142, 154). It was adopted August 2 (p. 60).

(1) the inclusion of any particular class of property in the list,
(2) any modification in the list,
(3) the scope of any class so included, or
(4) the measures to be taken to secure that investments to be purchased by this procedure shall not be of a temporary character,

such difference shall be referred, at the request of either party, to an arbitrator (who, if the German Government so desire, shall be a national of a country not interested in German reparation payments) to be chosen by agreement between the two parties, or in default of agreement to be nominated by the president for the time being of the Permanent Court of International Justice at The Hague. The arbitrator shall decide whether any claim made or objection raised is justified or not, and in so doing shall in particular give consideration to the principles set out in Art. VI, viz.: (1) that the investment must not be of a temporary character, and (2) that the German Government is required to have due regard to the necessity for making maximum payments to its creditors, but is also entitled to have regard to maintaining its control of its own internal economy.

The Allied Governments agree that the Transfer Committee should only transfer marks for purchases under the operation of the said Art. VI if and when the accumulated funds exceed the amounts which the bank of issue will accept as short-term deposits.

### Clause 5[1]

If the Transfer Committee is equally divided in regard to the question whether concerted financial maneuvers have been set on foot within the meaning of Art. VIII of annex 6 of the Experts' Report, the question shall be referred to an independent and impartial arbitrator, who shall hear the views of each of the members of the committee and decide between them. The arbitrator shall be a financial expert selected by the members of the Transfer Committee in agreement, or, in default of an agreement, by the president for the time being of the Permanent Court of International Justice at The Hague.

On all other questions, if the Transfer Committee is equally divided, the chairman shall have a casting vote.

If the funds at the disposal of the Agent General for Reparation Payments are at any time accumulated in Germany up to the limit of 5 milliards of gold marks referred to in par. (*a*) of Art. X of annex 6 of the Experts' Report, or such lower figure as may be fixed by the Transfer Committee under par. (*b*) of that article, and the committee has, by a

[1]Elaborated by the Third Committee (*Proceedings*, p. 158). The agreement with the Germans (p. 302) involved the insertion of the second paragraph.

majority, decided that concerted financial maneuvers within the meaning of Art. VIII of that annex have not taken place, or that certain measures to defeat maneuvers contemplated in that article should not be taken, any member of the minority of the committee may, within eight days, appeal against such decision to an arbitral tribunal, whose decision on the matters before them shall be final. The arbitral tribunal shall consist of three independent and impartial financial experts, including a citizen of the United States of America, who shall act as chairman, such experts to be selected by the committee unanimously, or failing unanimity, to be appointed by the president for the time being of the Permanent Court of International Justice at The Hague.

### Clause 6[1]

If any Government interested (Allied or German) consider that a defect exists in the technical working of the Experts' Plan so far as it relates to the collection of German payments or the control of the securities therefor, which can be remedied without affecting the substantial principles of that plan, it may submit the question to the Reparation Commission, which will transmit it forthwith for inquiry and advice to a committee consisting of the Agent General for Reparation Payments, the Trustee or Trustees for the Railway and Industrial Mortgage Bonds, the Railway Commissioner, the Bank Commissioner and the Commissioner of Controlled Revenues.

This committee will, as soon as possible, transmit to the Reparation Commission either a unanimous report, or majority and minority reports, including, if necessary, proposals for the removal of any defect to which attention may have been drawn.

If the Reparation Commission arrives at a unanimous decision, it shall invite the German Government to adhere to it, and if an agreement is reached with the German Government on the subject, the necessary measures shall be carried into effect without delay.

If the Reparation Commission is not unanimous, or if any decision taken unanimously is not accepted by the German Government, any of the parties interested may submit the question to a committee of three independent and impartial experts chosen by agreement between the Reparation Commission deciding unanimously and the German Government, or, in default of such agreement, by the president for the time being of the Permanent Court of International Justice at The Hague. The decision of this committee shall be final.

It is understood that this provision shall not apply to any question in regard to the disposal of the funds paid to the account of the Agent

[1]The preliminary forms are in *Proceedings*, p. 156, 212, 302.

General for Reparation Payments, or to any other matter which falls solely within the competence of the Transfer Committee.

Done at London the 30th day of August, 1924, in a single copy, which will remain deposited in the archives of His Britannic Majesty's Government, which will transmit a certified copy to the Reparation Commission for inclusion in the agreement of August 9, 1924, and to each of the signatory Governments.

Bn. Moncheur.
Eyre A. Crowe.
N. A. Belcourt.
Joseph Cook.
J. Allen.
E. H. Walton.
Dadiba Merwanjee Dalal.
Saint-Aulaire.
D. Caclamanos.
Torretta.
Hayashi.
Norton de Mattos.
Radu T. Djuvara.
Gavrilovitch.
Sthamer.

## Annex III

*Agreement between the Allied Governments and Germany*[1]

The Royal Government of Belgium, the Government of his Britannic Majesty (with the Governments of the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and India), the Government of the French Republic, the Government of the Greek Republic, the Royal Government of Italy, the Imperial Government of Japan, the Government of the Portuguese Republic, the Royal Government of Rumania and the Royal Government of the Serb-Croat-Slovene State,

of the one part,

and the Government of the German Republic,

of the other part,

[1]The agreement was approved by the Allied Governments on July 24 (*Proceedings*, p. 39, 120, 138). The German observations of August 6 (p. 200), the report thereon (p. 256) and revised plan of August 10 (p. 276) throw light on the points that were in controversy.

Animated with the desire to bring into being as soon as possible as regards matters affecting them, the plan presented to the Reparation Commission on April 9, 1924, by the First Committee of Experts appointed by it on November 30, 1923, "to consider the means of balancing the budget and the measures to be taken to stabilize the currency of Germany," approved by the Commission and accepted by each of the interested powers,

Have resolved to conclude an agreement for this purpose, and, therefore, the undersigned duly authorized have agreed as follows:

Article 1. (A.) The Experts' Plan of April 9, 1924, will be considered as having been put into execution, except as regards measures to be taken by the Allied Governments, when the Reparation Commission has declared that the measures prescribed by it in its decision No. 2877 (4) of July 15, 1924, have been taken, that is to say:

(1.) That Germany has taken the following measures:

(*a.*) The voting by the Reichstag in the form approved by the Reparation Commission of the laws necessary to the working of the plan, and their promulgation.

(*b.*) The installation with a view to their normal working of all the executive and controlling bodies provided for in the plan.

(*c.*) The definitive constitution, in conformity with the provisions of the respective laws, of the Bank and the German Railway Company.

(*d.*) The deposit with the trustees of certificates representing the railway bonds and such similar certificates for the industrial debentures as may result from the report of the Organization Committee.

(2.) That contracts have been concluded assuring the subscription of the loan of 800 million gold marks as soon as the plan has been brought into operation and all the conditions contained in the Experts' Report have been fulfilled.

(B.) The fiscal and economic unity of Germany will be considered to have been restored in accordance with the Experts' Plan when the Allied Governments have taken the following measures:

(1.) The removal and cessation of all vetoes imposed since January 11, 1923, on German fiscal and economic legislation; the re-establishment of the German authorities with the full powers which they exercised in the occupied territories before January 11, 1923, as regards the administration of customs and taxes, foreign commerce, woods and forests, railways (under the conditions specified in Art. 5), and, in general, all other branches of economic and fiscal administration; the remaining administrations not mentioned above will operate in every respect in conformity with the Rhineland agreement; the formalities regarding

the admission or re-admission of German officials will be applied in such a manner that the re-establishment of the German authorities, in particular the customs administration, may take place with the least possible delay; all this without other restrictions than those stipulated in the treaty of Versailles, the Rhineland agreement and the Experts' Plan.

(2.) The restoration to their owners of all mines, cokeries and other industrial, agricultural, forest and shipping undertakings exploited under allied management or provisionally leased by the occupying authorities since January 11, 1923.

(3.) The withdrawal of the special organizations established to exploit the pledges and the release of requisitions made for the working of those organizations.

(4.) The removal, subject to the provisions of the Rhineland agreement, of restrictions on the movement of persons, goods and vehicles.

(5.) In general, the Allied Governments, in order to insure in the occupied territories the fiscal and economic unity of Germany, will cause the Interallied Rhineland High Commission to proceed, subject to the provisions of the Rhineland agreement, to an adjustment of the ordinances passed by the said commission since January 11, 1923.

ARTICLE 2. The Experts' Plan will be put into execution with the least possible delay. For this purpose the measures indicated in Art. 1 will be taken as rapidly as possible; in particular, the laws necessary for the working of the plan will be promulgated immediately after they have been voted.

[Arts. 3–5 which prescribe stages of the operation of the plan are printed in Chap. VII, p. 311, *infra.*]

. . . . . .

ARTICLE 6. The detailed measures to be applied and the machinery to be set up in order to carry out the provisions of Arts. 1B, 2, 3 and 4 (*a*) will be studied by technical conferences between the representatives of the interested Allied authorities and the German departments concerned. These conferences will begin at Coblenz and Düsseldorf immediately after the London conference.

The measures to be applied as well as transitional measures shall be put into force in the occupied territories in the customary form.

ARTICLE 7. In order to bring about mutual conciliation and in order to wipe out the past to the utmost possible extent, the Allied Governments and the German Government have agreed on the following stipulations, it being understood that, as regards future incidents, the jurisdiction and legislation of Germany, notably in the matter of the security of the state, and the jurisdiction and the legislation of the occupying authorities, notably in the matter of their security, will respectively follow their

normal course in conformity with the treaty of peace and the Rhineland agreement.

(1.) No one shall, under any pretext, be prosecuted, disturbed or molested or subjected to any injury, whether material or moral, either by reason of acts committed exclusively or principally for political reasons or by reason of his political attitude in the occupied territories from January 11, 1923, up to the putting into force of the present agreement, or by reason of his obedience or disobedience to orders, ordinances, decrees or other injunctions issued by the occupying authorities or the German authorities respectively and relating to events which have taken place within the same period, or by reason of his relations with the said authorities.

(2.) The German Government and the Allied Governments concerned will remit all sentences and penalties, judicial or administrative, imposed for the above facts from January 11, 1923, up to the putting into force of the present agreement.[1] It is understood that fines or other pecuniary penalties, whether judicial or administrative, already paid will not be reimbursed.

(3.) The provisions of pars. (1) and (2) do not apply to crimes committed against the life of persons and resulting in death.

(4.) The offenses to which the amnesty provided for in the stipulations of pars. (1) and (2) does not apply and which are at the present moment subject to the jurisdiction of the occupying authorities by reason of the creation of special organizations which are to be suppressed under the terms of the present agreement, will be transferred to the German tribunals.

(5.) The Governments concerned will each take, so far as they are concerned, the measures necessary to assure the fulfilment of this article. If need arise, this fulfilment will be amicably arranged by the Governments concerned, and if necessary by means of mixed commissions set up by common agreement.

Article 8. German-Allied commissions of arbitration, similar to those appointed in 1920, charged with the duty of deciding any disputes which the change of régime may give rise to between Allied merchants and the German authorities, shall be set up by the Governments concerned.

Article 9. The suppression of the Bad-Ems subcommittee[2] on October 22, 1924, shall not prejudice the full execution of Arts. 264 to 267 of the treaty of Versailles.

[1]On September 23, 1924, the Interallied Rhineland High Commission remitted 362 decrees of expulsion for passive resistance. The number of expelled rose to 31,475 (*Le Temps*, September 26, p. 1).

[2]This organization was set up in March, 1921, to prevent discrimination against allied trade.

ARTICLE 10. All disputes which may arise between the Allied Governments or one of them on the one side and Germany on the other side with regard to the present agreement shall, if they can not be settled by negotiation, be submitted to the Permanent Court of International Justice.

ARTICLE 11. The present agreement, of which the French and English texts are both authentic, shall come into force from the moment of signature.

Done at London the 30th day of August, 1924, in a single copy, which will remain deposited in the archives of His Britannic Majesty's Government, which will transmit certified copies to each of the parties.

BN. MONCHEUR.
EYRE A. CROWE.
N. A. BELCOURT.
JOSEPH COOK.
J. ALLEN.
E. H. WALTON.
DADIBA MERWANJEE DALAL.
SAINT-AULAIRE.
D. CACLAMANOS.
TORRETTA.
HAYASHI.
NORTON DE MATTOS.
RADU T. DJUVARA.
GAVRILOVITCH.
STHAMER.

## ANNEX IV

*Interallied Agreement*

The Royal Government of Belgium, the Government of His Britannic Majesty (with the Governments of the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and India), the Government of the French Republic, the Government of the Greek Republic, the Royal Government of Italy, the Imperial Government of Japan, the Government of the Portuguese Republic, the Royal Government of Rumania and the Royal Government of the Serb-Croat-Slovene State,

Anxious to provide for the complete fulfilment, so far as they are concerned, of the plan presented to the Reparation Commission on April 9, 1924, by the First Committee of Experts appointed by it on November

30, 1923, "to consider the means of balancing the budget and the measures to be taken to stabilize the currency of Germany," the said plan being approved by the commission and accepted by each of the interested powers, and

Having resolved to conclude an agreement for this purpose, the undersigned, duly authorized, have agreed as follows:

ARTICLE 1.[1] The Governments represented upon the Reparation Commission acting under par. 22 of annex II to Part VIII (Reparation) of the treaty of Versailles will modify the said annex II[2] by the introduction of the following pars. 2A and 16A, and by the amendment of paragraph 17 as set out below:

*Paragraph* 2A.—"When the Reparation Commission is deliberating on any point relating to the report presented on April 9, 1924, to the Reparation Commission by the First Committee of Experts appointed by it on November 30, 1923, a citizen of the United States of America appointed as provided below shall take part in the discussions and shall vote as if he had been appointed in virtue of par. 2 of the present annex.

"The American citizen shall be appointed by unanimous vote of the Reparation Commission within thirty days after the adoption of this amendment.

"In the event of the Reparation Commission not being unanimous, the appointment shall be made by the president for the time being of the Permanent Court of International Justice at The Hague.

"The person appointed shall hold office for five years, and may be reappointed. In the event of any vacancy the same procedure shall apply to the appointment of a successor.

"Provided always that if the United States of America are officially represented by a delegate on the Reparation Commission, any American citizen appointed under the provisions of this paragraph shall cease to hold office and no fresh appointment under these provisions shall be made as long as the United States are so officially represented."

*Paragraph* 16A.—"In the event of any application that Germany be declared in default in any of the obligations contained either in this part of the present treaty as put into force on January 10, 1920, and subsequently amended in virtue of par. 22 of the present annex, or in the Experts' Plan dated April 9, 1924, it will be the duty of the Reparation Commission to come to a decision thereon. If the decision of the Reparation Commission granting or rejecting such application has been taken

[1]Approved by conference on August 2, on report of its first committee. (*Proceedings*, p. 50, 148).

[2]An agreement between the Governments of Belgium, France, Great Britain, Italy, Japan and the Serb-Croat-Slovene State for this purpose was signed at London, August 30, 1924.

by a majority, any member of the Reparation Commission who has participated in the vote may, within eight days from the date of the said decision, appeal from that decision to an arbitral commission composed of three impartial and independent persons whose decision shall be final. The members of the arbitral commission shall be appointed for five years by the Reparation Commission deciding by a unanimous vote, or, failing unanimity, by the president for the time being of the Permanent Court of International Justice at The Hague. At the end of the five-year period or in case of vacancies arising during such period, the same procedure will be followed as in the case of the first appointments. The president of the arbitral commission shall be a citizen of the United States of America."

*Paragraph* 17.—"If a default by Germany is established under the foregoing conditions, the commission will forthwith give notice of such default to each of the interested powers and may make such recommendations as to the action to be taken in consequence of such default as it may think necessary."

ARTICLE 2. In accordance with the provisions of the Experts' Plan, sanctions will not be imposed on Germany in pursuance of par. 18 of annex II to Part VIII (Reparation) of the treaty of Versailles unless a default within the meaning of sec. III of Part I of the Report of the said Committee of Experts has been declared under the conditions laid down by the said annex as amended in conformity with this agreement.

In this case the signatory Governments, acting with the consciousness of joint trusteeship for the financial interests of themselves and of the persons who advance money upon the lines of the said plan, will confer at once on the nature of the sanctions to be applied and on the method of their rapid and effective application.

ARTICLE 3. In order to secure the service of the loan of 800 million gold marks contemplated by the Experts' Plan, and in order to facilitate the issue of that loan to the public, the signatory Governments hereby declare that, in case sanctions have to be imposed in consequence of a default by Germany, they will safeguard any specific securities which may be pledged to the service of the loan.

The signatory Governments further declare that they consider the service of the loan as entitled to absolute priority as regards any resources of Germany so far as such resources may have been subjected to a general charge in favor of the said loan and also as regards any resources that may arise as a result of the imposition of sanctions.

ARTICLE 4. Any dispute between the signatory Governments arising out of Arts. 2 or 3 of the present agreement shall, if it can not be settled by negotiation, be submitted to the Permanent Court of International Justice.

ARTICLE 5. Unless otherwise expressly stipulated in the preceding articles of this agreement, all the existing rights of the signatory Governments under the treaty of Versailles read with the Report of the Experts referred to in Art. 2 are reserved.

ARTICLE 6. The present agreement, of which the French and English texts are both authentic, shall come into force from the moment of signature.

Done at London the 30th day of August, 1924, in a single copy, which will remain deposited in the archives of His Britannic Majesty's Government, which will transmit certified copies to each of the parties.

BN. MONCHEUR.
EYRE A. CROWE.
N. A. BELCOURT.
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## III. THE PARIS FINANCIAL AGREEMENT

During the London conference, the French delegation on August 2 proposed a resolution, couched in the following terms:

The questions of allocation concerning the payments received from Germany since the beginning of the year 1923 remain to be settled between the Allied Governments. The latter must also come to an agreement about the allocation of the sums which will be received from Germany after the application of the Experts' Plan.

The solution of these questions falls to the Allied Governments in accordance with the provisions of Art. 237 of the peace treaty.

On account of the technical nature of the arrangements to be made, it is proposed that the finance ministers of the Allied Governments should meet at Paris with the least possible delay after the close of the London conference.

The following draft resolution is therefore submitted for acceptance by the conference:

> "The Allied Governments decide that a conference of finance ministers shall be held in Paris immediately after the close of the London conference—
>
> "1. To settle the question of the allocation of the payments received from Germany since January 1, 1923, including the net proceeds realized by France, Belgium and Italy since January 11, 1923, and also the question of the allocation of German payments as from the date when the Agent General for Reparation Payments takes up his duties, and during the first years of the operation of the Dawes Plan.
>
> "2. To proceed to the adjustments contemplated in Art. 1 of the finance ministers' agreement of March 11, 1922, for the years 1922 and 1923. The result of its labors on this point will be communicated by the finance ministers' conference to the Reparation Commission for the drawing up of the corresponding accounts."

On August 5, Ambassador Kellogg addressed the following letter to the secretary general of the conference:

I have received the resolutions proposed by the French delegation in their letter of August 2, 1924, for adoption by the interallied conference. . . .

The American delegation is in accord with the proposal of the French delegation that a conference be held in Paris immediately after the close of the London conference for the purpose of considering the allocation of payments received from Germany.

Nevertheless, in view of the fact that the purpose of this conference will include the question of the allocation of German payments since January 1, 1923, a period to which the pending unratified agreement with regard to the reimbursement of the costs of the American army of occupation is applicable, and will also include the question of the allocation of German payments during the first years of the operation of the Dawes Plan, the United States, as the only associated power, should be represented. It will be remembered that under Section XI, Part I, of the Dawes Plan the payments made by Germany are to comprise all amounts for which Germany may be liable to the Allied and *Associated* Powers for the costs arising out of the war, including reparation, restitution, clearing-house operations, etc. Section XI further provides

"Wherever in any part of this report or its annexes we refer to treaty payments, reparation, amounts payable to the Allies, etc., we use these terms to include all charges payable by Germany to the Allied and Associated Powers for these war costs."

Considering the claim of the United States for its army costs and for certain war damages which are now being adjudicated by a joint arbitration tribunal, the United States, under the terms of the Experts' Report, is interested in the question of distribution, and it should participate in the proposed Paris conference.

This is in harmony with the report of the second committee approved by the plenary conference on July 28, 1924, which provides (in article 4, sub-division (*c*) ) that

"with the resources thus placed at his disposal the Agent General for Reparation Payments shall provide for the payments of reparation and other treaty charges during the transition period in accordance with the decisions as to distribution which will be taken by the Allied and Associated Governments."

Very respectfully,

FRANK B. KELLOGG.

In the plenary meeting of August 12, a long and involved debate occurred upon the French proposal and the American letter. The documents were before the meeting for reference to the finance ministers, who were at the conference. Mr. Kellogg proposed that his suggested amendment be made to the French

resolution at that time, and insisted upon his point at great length, notwithstanding the president's repeated explanation that the French proposal was before the meeting for reference rather than for action. In the end, the resolution seems to have been re-worded by the French delegation to conform with the American desire.[1]

The conference of finance ministers did not meet until January 7, 1925. In the interval, there were several attempts to bring matters into a position where the meeting would prove fruitful. A committee of experts began exploring the questions involved in October, and finally made a report dated January 6. The questions covered by the report were not only technical but for the most part were also of a temporary character. The eventual settlement is sufficiently indicated in the text of the agreement signed by the conference of finance ministers at Paris on January 14.

## The Scope of American Interests

The American Government was officially represented both in the committee of experts and in the conference. The proceedings of both seem to have been without incident, with the exception of the American attitude.

The basis of the American interest in the settlement should be clearly understood.

The United States maintained troops in the occupied regions of Germany based on Coblenz from the time of the armistice up to January 24, 1923. Throughout that period, the United States Government contemplated that the cost of maintaining the troops should be reimbursed to it, but had not accepted payments other than requisitions under the Rhineland agreement of June 28, 1919,[2] to which it was not a party. The treaty of Versailles provided that the costs of the armies of occupation should be a first charge upon reparation, and payments were made to other occupying states through the Reparation Commission, which simply kept a record of the American costs[3].

[1]*Proceedings*, p. 77–81.

[2]Great Britain Treaty Series No. 7 (1919) and Sen. Doc. No. 81, 66th Cong., 1st sess.

[3]For comparison, the cost of the armies of occupation as kept by the Reparation

Following the withdrawal of the American troops, Eliot Wadsworth, assistant secretary of the Treasury, proceeded to Europe, and on May 25, 1923, negotiated an arrangement with Belgium, France and Great Britain providing for the reimbursement of the American army costs, by a charge on receipts credited to reparation account. The amount involved—$250,544,810.53—was to be paid in 12 equal instalments.

The United States did not ratify the treaty of peace with Germany of June 28, 1919. It negotiated with Germany on August 25, 1921, a treaty restoring friendly relations, by the terms of which the United States acquired "all the rights, privileges, indemnities, reparations or advantages specified in" the Congressional resolution of July 2, 1921, which would include "all the rights and advantages stipulated for the benefit of the United States in the treaty of Versailles." By Art. 2 of that treaty, it was specified that among the rights and advantages accruing to the United States should be those under Parts VIII, IX and X of the treaty of Versailles, relating respectively to reparation, financial and economic matters. Among the economic matters specified are the adjustment of the claims of nationals arising from property rights, interests, contracts, prescriptions and judgments.[1]

Commission for the period from the armistice of November 11, 1918, to April 30, 1921, follow:

| | | *Gold Marks* |
|---|---|---|
| United States | $278,067,610 | 1,167,327,830.12 |
| France | 2,304,850,470 francs Fr. | 1,276,450,838.42 |
| Great Britain | £52,881,298 | 991,016,859.53 |
| Belgium | 878,731,890 francs Belg. | 194,706,228.27 |
| Italy | 15,207,717 francs Fr. | 10,064,861.29 |
| Total | | 3,639,566,617.63 |

Of this amount 3,161,000,000 gold marks was due from Germany on reparation account, the rest being requisitions made locally. The net American claim was $240,744,511 on April 30, 1921.

The area west of the Rhine and including the bridgehead of Cologne is occupied by British troops, who up to April 30, 1921, had given 75,960,986 days of service, and by the Belgians, who had served 22,977,565 days, or a total for the Cologne sector of 98,938,551 days. The middle sector bounded by the bridgehead of Coblenz on the east was occupied by American troops, who had served 60,633,336 days. The Mainz sector was occupied by the French who showed 150,874,637 days of service. With the French were Italians who had rendered 692,281 days of service. (*Le Temps*, October 7, 1921; *cf.* January 11 and September 19, 1921.)

[1]The United States had, in the course of the war, sequestrated property, almost entirely of German nationals, amounting on December 31, 1923, to $545,228,160.84. (H. Doc. No. 525, 67th Cong., 4th sess., p. 8.)

Secretary of State Hughes explained the character of this second American interest in the settlement in a letter to the President on February 3, 1925, as follows:[1]

The other claims which the United States is seeking to recover are the subject of an executive agreement with the German Government under date of August 10, 1922, providing for a mixed commission to determine the amount to be paid by Germany. This commission consists of an American commissioner, a German commissioner, and an umpire who, by agreement of the Governments of the United States and Germany, is an American citizen. Under the agreement establishing the mixed commission it is provided that the following categories of claims shall be passed upon, to wit:

1.—Claims of American citizens arising since July 31, 1914, in respect of damage to, or seizure of, their property, rights and interests, including any company or association in which they are interested within German territory as it existed on August 1, 1914;

2.—Other claims for loss or damage to which the United States or its nationals have been subjected with respect to injuries to persons, or to property, rights and interests, including any company or association in which American nationals are interested, since July 31, 1914, as a consequence of the war;

3.—Debts owing to American citizens by the German Government or by German nationals.

This mixed commission has been sitting in Washington, and the claims of the Government of the United States and its nationals against Germany are in course of adjudication. While it is not possible at this time to fix precisely the total amount of the awards, it is estimated that they will not exceed $350,000,000.

By the Experts' Plan, the German payments comprise all amounts for which Germany may be liable. As a result of the acceptance of the report by the reparation creditors and the acquiescence of the United States in Ambassador Kellogg's note of August 5, 1924, payment of claims against Germany can take place only through the system established by the plan. It consequently followed that the United States had to look to the operation of the plan for the reimbursement of its army of occupation costs and its claims awards.

[1]Sen. Doc. No. 192, 68th Cong., 2nd sess., p. 3.

## Specific American Contentions

It, therefore, became necessary for the United States to participate in the conference of finance ministers at Paris. The bulk of the business transacted by that conference did not, under the circumstances, concern the United States, except as the decisions taken might affect both the possibility and the certainty of the Washington Government's recovering its claims. The American expert raised a number of specific questions with his colleagues.

The army cost agreement of May 25, 1923, had not been ratified by France, although Belgium had deposited a sum of 62,500,000 gold marks with the Federal Reserve Bank in New York to that account. The failure of France to ratify the agreement served to block the account, and the American expert secured the release of the Belgian payment to the United States Treasury (Art. 3 B, 1).

When possible arrears of cash payments for army of occupation costs were under discussion, the American expert reserved the right to object to the arrears being recouped from reparation, at least in kind, "until the question of the principle of American claims is settled in a satisfactory manner."[1] The objection was not maintained (*cf.* Art. 15).

The representative of the United States insisted that the conference reach a decision on the division of as large a number of plan annuities as possible, "with a view to introducing an element of stability." He declared that "this remark applies particularly to the percentage coming to the United States."

Respecting commission expenses, the American Government "hoped that the expenses of the various commissions will be reduced to a minimum, so that the largest possible sums will be available for the settlement of military expenses and claims of the Allied and Associated Powers."

The United States did not like the decision taken to liquidate the Belgian war debt by means of only 5% of the sum remaining from annuities after meeting the expenses of the loan commissions and the armies of occupation costs (Art. 4). This provision results from Art. 232 of the treaty of Versailles, where it was decided that owing to the German invasion of Belgium, Belgium's

[1] *L'Europe nouvelle*, January 24, 1925, p. 117.

external war debt should constitute a prior charge on German reparation payments. The Belgian debt, thus to be repaid, consists of 1,993,300,000 French francs gold, £78,400,000 and $171,800,000. The dollar amount is about one-half of Belgium's total indebtedness to the United States. It was decided to fix the Belgian priority at 5% of the amount available immediately before the final amount distributable as reparation. Of this 5% the United States will receive practically one-eighth. The American expert felt that this percentage "does not correspond to the sums advanced by the United States." He desired to study the question further, and meantime filed a reservation,[1] although the agreement as signed did not modify the decision.

## Validity of Claims Discussed

Arts. 296 and 297 of the treaty of Versailles provide for the liquidation of debts of the nationals of either side due to the nationals of the other. For handling these mutual claims a series of clearing offices was instituted, while for matters involving questions of law a system of mixed arbitral tribunals was set up. The clearing offices have been functioning for more than five years, and have settled the majority of the claims. It was found that the value of Germany's claims did not offset that of the claims of the creditor states. At one stage of reparation, Germany was consequently making special monthly payments to balance the clearing office accounts. The United States did not avail itself of the clearing office system, and its claims of that character have not therefore been cleared. The Belgian, British, French and Italian experts were agreed, as a general rule, not to make clearing office deficits a charge against the annuities. The American expert stated that if it was not the opinion of his colleagues that their decision left "the special position of the United States as to the settlement of American claims dealt with in the economic clauses of the treaty [of Versailles] unaffected, he would be obliged to express the most formal reserve." He stated that "the United States had not up to the present time received a single cent of its claims of this character, while it was well known that Germany had paid to certain of the Allies a

[1] *L'Europe nouvelle*, January 24, 1925, p. 121.

quantity of millions of gold marks, in settlement of certain types of claims based on the economic clauses." Referring to the optional character of the Versailles treaty provisions, he stated that

> it is only in cases of the sequestration of properties or of their sale by an allied or associated power that the amount of the sale or the value of these properties comes into the balance of its claims. The Government of the United States enjoys in regard to German goods the same liberty as the allied powers. The utilization of the goods in question is subject to the absolute control of the Congress of the United States; but in so far as it preserves those rights or the product of their sale, the United States will naturally give to Germany a credit corresponding to their claims.

The British expert commented that "the powers not adopting the procedure of the clearing offices had not the right, according to the treaty of Versailles, to claim any payment from the German Government on account of these claims." The United States had no basis for making sueh a claim.

The American expert disagreed with this interpretation of the treaty of Versailles. He asserted "the right of the American Government to hold Germany liable, since the payment of these debts had also been recognized by the treaty between Germany and the United States." [1]

In regard to the American military claims, the French and Belgian experts had on November 26 accepted the principle of their priority on the cash payments anticipated from the annuities. They had also accepted the proposition that the other claims should be paid on a percentage, to be applied after deduction of the annuities already aecepted, on condition that the annual payments under the Wadsworth agreement should be reduced. The Italian experts expressed somewhat the same opinion in very general terms.

In the January meeting, the British experts felt that the American army costs should be paid under the Wadsworth agreement, and stated that they were disposed to examine the figures of other American claims when presented.

The American expert replied that, "seeing that the principle of American claims was not accepted by all members of the

[1]For decision reached, see Art. 10 of the agreement, p. 284.

committee and that the settlement of all details contemplated in the present report practically affects the methods of division under the Experts' Plan with regard to the time of priorities and percentages, and consequently affects all sums available to satisfy the American claims, the American expert formally reserves his point of view on all the questions raised in this report and its appendices."[1]

The British experts were unable to accept these allegations as well as certain other reservations made by the American expert in other parts of the report. "In their opinion the Government of the United States was not justified in intervening in any of the arrangements made or to be made by the Allied Governments with respect to division of German payments obtained by them, except in the case and to the extent that the rights granted to the United States by the Allied Governments in the agreement of May 25, 1923, . . . are directly affected by such divisions. As regards the claims formulated by the United States on other grounds, the British experts desired to call attention to the fact that since the first meeting of the committee on October 27 last, the United States has several times been requested to present a detailed schedule of these claims in order that the allied experts could examine them, but this request has not been acceded to. As a result of this refusal, the financial consequences which might result from these claims have not been examined in detail by the committee."

The American expert drew attention to the fact that he had formally raised the question of the participation of the United States in the plan annuities on November 26. At that time the French, Belgian and Italian experts had agreed with the American expert on the principle of the equity of an American participation. Neither at that time nor later had the British experts accepted this principle since the question was being discussed diplomatically by the two interested Governments. As a consequence it was evidently impossible to discuss figures and details before the committee, and these had been left for discussion at the next meeting of the finance ministers.[2]

[1] *L'Europe nouvelle*, January 24, 1925, p. 124.

[2] For the decision reached, see Art. 3 of the agreement, p. 279.

## Sought Share of Bulgarian Payments

When the experts came to discuss the division of Bulgaria's payments,[1] the American expert commented that "the United States had requested under the Wadsworth agreement to participate in any cash payments made by Austria, Hungary, Bulgaria or other states which had been brought to the credit of Germany under the reparation account." He declared that the United States maintained its position on this point while awaiting the result of the negotiations at present under way. This view was rejected by certain of the allied experts who felt that "the privilege of the United States applied only to the payments made by Germany or directly for her account (for example, the Luxemburg payments). If the American thesis were adopted, 25% of the 1923 receipts (or 500,000 gold marks) should be turned over to the Government of the United States."

The contention was not finally accepted.[2]

The American expert filed a general caveat against the charging of the miscellaneous Versailles treaty items of Art. 8 of the finance agreement against the annuities on the ground that "the United States is directly interested in the division of annuities."

A similar attitude was taken on the matter of the general Belgian priority, which, however, the United States regarded with sympathy.

The finance agreement of January 14, resulting from the conference of finance ministers to which the experts reported, was signed by the United States. It was reported at the time of signature that the American delegates desired to confine their signature to Art. 3 dealing with the American claims. Since the priorities and adjustments dealt with throughout the agreement were necessarily interrelated, this was not insisted upon.

The agreement was submitted to the United States Senate on February 3 in response to a resolution calling for its text. The Senate apparently acquiesced in the contention of the Depart-

[1]The United States was not at war with Bulgaria. On the joint liability of debtor states in respect to reparation, see Art. 231 of the treaty of Versailles and the corresponding articles in other treaties of peace. For a discussion of joint liability see *Reparation*, Pt. I, p. 17–21.

[2]See Art. 23 of the agreement, p. 289.

ment of State that it was an executive understanding not requiring senatorial advice and consent.

The agreement settled in detail a great number of questions which had bothered the Reparation Commission, the creditor and debtor states. As these questions were invariably technical, the following text has been annotated with the facts appropriate for understanding the matters with which the several articles deal.

# AGREEMENT REGARDING THE DISTRIBUTION OF THE DAWES ANNUITIES (January 14th, 1925)[1]

## FINAL PROTOCOL

The representatives of the Governments of Belgium, France, Great Britain, the United States of America, Italy, Japan, Brazil, Greece, Poland, Portugal, Rumania, Serb-Croat-Slovene State, Czechoslovakia, assembled at Paris from the 7th to the 14th January, 1925, with a view to settling as between their respective Governments questions which arise out of the distribution of the receipts already entered, or to be entered, in the accounts of the Reparation Commission, in particular after the 1st January, 1923, to 1st September, 1924, and also in the first years of the application of the Dawes Plan[2] which formed the subject of the agreements concluded in London, August 31, 1924,

Have agreed on the provisions contained in the agreement of today's date, of which a copy is attached to the present protocol.

Done at Paris, January 14, 1925.

Clémentel.
G. Theunis.
Winston S. Churchill.
Myron T. Herrick.
Frank B. Kellogg.
James A. Logan, Jr.
Alberto de' Stefani.
K. Ishii.
L. M. de Souza Dantas.
Em. J. Tsouderos.
J. Mrozowski.
J. Karsnicki.
Antonio da Fonseca.
Vintila Bratiano.
N. Titulescu.
Stoyadinovitch.
Stefan Osusky.

[1]The agreement issued as Sen. Doc. No. 192, 68th Cong., 2d sess., has attached to it a protocol signed at Paris, January 22, making "amendments in the authentic text" in the form of a list of errata. This protocol is not printed in Misc. No. 4 (1925), Cmd. 2339, where the British Foreign Office carries a note that the text "now issued is the final text." As certain of the changes were the subject of remarks in the United States Senate, the text here printed is the final one, to which the previous readings have been annotated.

[2]Original text read "Experts Plan."

## AGREEMENT

The Governments of Belgium, France, Great Britain, Italy, Japan, the United States of America, Brazil, Greece, Poland, Portugal, Rumania, the Serb-Croat-Slovene State and Czechoslovakia, respectively represented by the undersigned, have agreed as follows:

### Chapter I.—Allocation of the Dawes Annuities

*Article 1—Costs of the Commissions*

A) The maximum normal charge on the Dawes annuities of the Reparation Commission, including the organizations set up under the Dawes Plan, shall be:

For the year from September 1, 1924, 9,250,000 gold marks;

For the later years, 7,500,000 gold marks

(to be taken partly in foreign currencies or in German currency as required).[1]

Of these sums not more than 3,700,000 gold marks a year shall be attributable to the organizations set up under the Dawes plan. If necessary this may be increased in order to meet the costs of the arbitral bodies provided for by the Dawes Plan and the London protocol.

B) The maximum charge for the Interallied Rhineland High Commission (including deliveries under Articles 8–12 of the Rhineland agreement) shall not exceed 10,000,000 gold marks[2] (to be taken in foreign currencies or in German currency as required) for the year from September 1, 1924, this sum being allocated between the French, British and Belgian High Commissariats in the proportion of 62:16:22, after providing for the other expenses of the commission. The amount for any later year will be settled at a later date.

C) The charge of the Military Commission of Control shall not exceed a maximum of 8,000,000 gold marks (to be taken in German currency) in the year from September 1, 1924. The amount of any later year will be settled at a later date.[3] This figure does not include the commis-

[1]The expenses of the Reparation Commission before the application of the Experts' Plan averaged 650,000 gold marks per month. In October, 1924, the expenses were reduced to 450,000 gold marks monthly, while the organizations under the Experts' Plan were assigned a quota of 250,000 gold marks per month.

[2]The annual expenses, as reported by the financial experts on January 6, 1925, were in gold marks: Cash: Belgium, 1,200,000; France, 4,200,000; Great Britain, 1,320,000—total, 6,720,000; kind (interallied valuation), Belgium, 681,000; France, 2,710,000; Great Britain, 488,000; common services, 250,000—total, 4,129,000; general total, 10,849,000.

[3]The commission reported that its expenses in 1924 were 1,000,000 gold marks per month, but its requirements were "probably shortly going to be reduced to 50% and finally again to 25% of the first figure."

sion's expenses in national currencies, which shall continue to be paid by the Governments concerned, the amounts so paid being credited to their respective accounts by the Reparation Commission.

*Article 2—Costs of Armies of Occupation, 1924–25*

A) The sums to be allowed as a prior charge on payments by Germany during the year September 1, 1924, to August 31, 1925, in respect of the costs of the armies of occupation of Belgium, Great Britain and France shall be fixed at the following amounts:

| | Gold marks |
|---|---|
| Belgian Army | 25,000,000 |
| British Army | 25,000,000 |
| French Army | 110,000,000 |

B) Belgium, Great Britain and France will meet their additional army costs during the period mentioned out of their respective shares in German reparation payments, but shall not be debited on reparation account therewith; that is to say, their respective reparation arrears will be increased by corresponding sums.

C) The additional army costs[1] shall be calculated as follows. Each power will be entitled to receive:

1. The sums payable under the finance ministers' agreement of March 11, 1922, calculated in the case of Great Britain on the basis of the French capitation rate with a special allowance of 2 gold marks a man, converted into sterling on the basis of the mean rates of exchange of the respective currencies during the month of December, 1921. The value of German marks supplied to the armies of occupation and the value of any requisitions under Art. 6 of the Rhineland agreement shall, as heretofore, be included in these sums; and,

2. The value of the requisitions and services under Arts. 8–12 of the Rhineland agreement,[2] which are credited to Germany in the accounts of the Agent General for Reparations.

[1]The amounts fixed by the agreement of March 11, 1922, Art. 1, (1), were: 102,000,000 Belgian francs, £2,000,000 and 460,000,000 French francs. In the same connection should be noted the declaration by the Governments of the United States, Great Britain and France of June 16, 1919:

"Now and henceforward, in order to alleviate the burden of the Reparations Bill, they agree that as soon as the Allied and Associated Powers concerned are convinced that the conditions of disarmament by Germany are being satisfactorily fulfilled, the annual amount of the sums to be paid by Germany to cover the cost of occupation shall not exceed 240 million marks (gold). This provision can be modified if the Allied and Associated Powers agree as to the necessity of such modification." (*Parl. Pap.*, 1919, Cmd. 240.)

[2]The articles define the extent and character of the control. (See Great Britain, Treaty Series No. 7 (1919) and Sen. Doc. No. 81, 66th Cong., 1st sess.)

For each power the additional army costs shall be the difference between the total sum so calculated and the amount of the prior charge set out in paragraph A above.

D) It is agreed that the powers concerned in the occupation shall not charge for effectives in excess of the strength authorized for each,[1] respectively, by Art. 1 (2) and (3) of the agreement of March 11, 1922.

E) The provisions of this article for the year to August 31, 1925, are accepted without prejudice to any question of principle, and the Allied Governments and the Government of the United States of America will discuss before September 1, 1925, the arrangement for army costs in the future.

*Article 3—Share of the United States of America in the Dawes Annuities*

A) Out of the amount received from Germany on account of the Dawes annuities, there shall be paid to the United States of America the following sums in reimbursement of the costs of the United States army of occupation and for the purpose of satisfying the awards of the Mixed Claims Commission established in pursuance of the agreement between the United States and Germany of August 10, 1922.

1. Fifty-five million gold marks per annum beginning September 1, 1926, and continuing until the principal sums outstanding on account of the costs of the United States army of occupation, as already reported to the Reparation Commission, shall be extinguished. These annual payments constitute a first charge on cash made available for transfer by the Transfer Committee out of the Dawes annuities, after the provision of the sums necessary for the service of the 800,000,000 gold marks German external loan, 1924, and for the costs of the Reparation Commission, the organizations established pursuant to the Dawes Plan, the Interallied Rhineland High Commission, the Military Control Commissions, and the payment to the Danube Commission provided for in Art. 9 below, and for any other prior charges which may hereafter with the assent of the United States of America be admitted. If in any year the total sum of 55,000,000 gold marks be not transferred to the United States of America the arrears shall be carried forward to the next succeeding annual installment payable to the United States of America, which shall be *pro tanto* increased. Arrears shall be cumulative and shall bear simple interest at 4½% from the end of the year in which said arrears accumulated until they are satisfied.

2. Two and one-fourth per cent (2¼%) of all receipts from Germany on account of the Dawes annuities available for distribution as

[1]The strengths authorized are: Belgian army, 19,300; British army, 15,000; French army, 90,400.

reparations,[1] provided that the annuity resulting from this percentage shall not in any year exceed the sum of 45,000,000 gold marks.

B) Subject to the provisions of paragraph A above, the United States of America agree:

1. To waive any claims under the army cost agreement of May 25, 1923, on cash receipts obtained since January 1, 1923, beyond the sum of $14,725,154.04, now deposited by Belgium to the account of the Treasury of the United States[2] in a blocked account in the Federal Reserve Bank of New York, which sum shall forthwith be released to the United States Treasury.[3]

2. That the agreement of May 25, 1923, does not apply to payments on account of reparations by any ex-enemy powers other than Germany.

3. That the agreement of May 25, 1923, is deemed to be superseded by the present agreement.

C) The provisions of this agreement relating to the admission against the Dawes annuities of charges other than reparations, and the allotments provided for such charges, shall not be modified by the Allied Governments so as to reduce the sums to be distributed as reparations, save in agreement with the United States of America.

D) The United States of America is recognized as having an interest, proportionate to its 2¼% interest in the part of the annuities available for reparation, in any distribution of railway bonds, industrial debentures,[4] or other bonds issued under the Dawes Plan,[5] or in the proceeds of any sale of undistributed bonds or debentures, and as having the right also to share in any distribution or in the proceeds of any sale of such bonds or debentures for any arrears that may be due to it in respect of the payment of its army costs as provided in the present agreement. The United States of America is also recognized as having an interest in any other disposition that may be made of the bonds if not sold or distributed.

*Article 4—Belgian War Debt*

A) As from September 1, 1924, 5% of the total sum available in any year after meeting the charges for the service of the German external loan, 1924, and the charges for costs of commissions, costs of U. S. army

[1]The phrase "after deduction of the sums allotted for other treaty charges by this agreement" was omitted from the final text as tautologous. It may, however, be noted that, if the charges due to valid claims under the treaty of Versailles were deducted before applying the percentage, the amount received by the United States would be purely illusory.

[2]"The account of the" originally omitted.

[3]The amount was 62,500,000 gold marks. The account was blocked owing to the fact that France had not ratified the agreement under which it was paid.

[4]For details respecting the bonds, see *Reparation*, Pt. V, p. 380–84, 461, 466.

[5]Originally read "Experts Plan."

of occupation, annuity for arrears of pre-May 1 army costs, prior charge for current army costs, and any other prior charges which may hereafter be agreed, shall be applied to the reimbursement of the Belgian war debt[1] as defined in the last paragraph of Art. 232 of the treaty of Versailles.

B) The amounts so applied in any year shall be distributed between the powers concerned in proportion to the amount of the debts due to them respectively as at May 1, 1921. Pending the final settlement of the accounts, France shall receive 46%, Great Britain 42% and Belgium (by reason of her debt to U. S. A.) 12%.[2]

*Article 5—Restitution*[3]

A) There shall be applied to the satisfaction of claims for restitution:

*a*) During the first four years, 1% of the total sum available in any one year after meeting the charges for the service of the German external loan, 1924, and the charges for cost of commissions; costs of U. S. army of occupation, annuity for arrears of pre-May 1, 1921, army costs; prior charge for current army costs; any other prior charge which may hereafter be agreed.

*b*) During subsequent years, 1% of the balance of the first milliard after meeting the charges enumerated above and 2% of the surplus of the annuity.

B) The amount so applied shall be distributed between the powers having a claim for restitution proportionately to their respective claims under this head as accepted by the Reparation Commission.

C) The French and Italian Governments reserve their rights to claim restitution of certain objects of art by the application of Art. 238 of the treaty of Versailles. The other Allied Governments will support their efforts to secure the execution by Germany of such restitution. Nevertheless, if the fulfillment of this obligation involves a charge on

[1]The debt amounted nominally at the time of the agreement to about 5,600,000,000 gold marks.

[2]It will be noted that the United States will receive its quota directly from Belgium. The American expert expressed the opinion that the percentage accorded the United States was too small. The American claim against Belgium on this account is $171,800,000.

[3]It should be recalled that the treaty of Versailles, which provided for the restoration of things taken away by the Germans, did not work satisfactorily. Agreements to accept substitutes for the things actually removed from the allied states were negotiated in 1921, the values not to be credited in reparation account. Since the Experts' Plan covers all German payments, charging of the cost of restitution under it became necessary. Considering the amount of restitution effected (*Reparation*, Pt. I, p. 41 *ff.*), this article should shortly prove of academic interest only.

the Dawes annuities, the value will be charged against the share in the annuity of the power interested.[1]

*Article 6—Belgian Priority*[2]

A) It is agreed that the determination of the exact position as regards the satisfaction of the Belgian priority depends on the settlement of the distribution account which the Reparation Commission has been requested to draw up.

B) Out of the part of the annuities received from Germany and available for distribution as reparations among the allied powers after September 1, 1924, Belgium will receive:

*a*) During the year commencing September 1, 1924, 8%.

*b*) During the year commencing September 1, 1925, so long as Belgian priority is not extinguished, 8% of each monthly payment. As soon as the priority is extinguished the percentage of all further payments during the year in question will be reduced to 4.5%.

*c*) During the year commencing September 1, 1925, and during each succeeding year, 4.5%.

This reduction in percentage is accepted as fully discharging Belgium from her obligations to repay her priority.

C) As from the date at which Belgian priority is extinguished, or at the latest from September 1, 1926, the 3½% released by the above arrangements for the repayment of the Belgian priority will be payable to France and Great Britain in the proportion of 52:22, in addition to their Spa percentages.

The sums debited to Belgium in respect of the period to September 1, 1924, will not be regarded as creating for her either excess payments or arrears, provided that this shall be without prejudice to the liability of Belgium to account for any final balance under the economic clauses of the treaty.

D) The rights accruing to Belgium as a result of previous agreements on payments received or to be received from or on account of Austria, Hungary and Bulgaria remain unaltered.

*Article 7—Greek and Rumanian Reparation Percentages*

A) The percentage of reparation payments available for distribution between the allied powers to be allotted to Greece is fixed at 0.4% of payments by Germany and of the first half of payments by Austria, Hungary and Bulgaria, and 25% of the second half of payments by Austria, Hungary and Bulgaria.[3]

[1]"France has a right to about 72% of restitution."—Note to French text.

[2]On the priority see *Reparation*, Pt. II, p. 111.

[3]This confirms an acceptance of the percentages contained in a letter of M. Athenogenes to Sir John Bradbury, June 29, 1921.

B) The percentage of reparation payments available for distribution between the allied powers to be allotted to Rumania is fixed at 1.1% of payments made by Germany and of the first half of payments by Austria, Hungary and Bulgaria, and 20% of the second half of payments made by Austria, Hungary and Bulgaria.[1]

*Article 8—Miscellaneous Claims*

A) The following claims, namely:

*a*) Cost of military occupation of the plebiscite zones (annex to Art. 88 of treaty).[2]

*b*) Costs of repatriation of German prisoners of war (Art. 217 of the treaty).[3]

*c*) Repayment of exceptional war expenses advanced by Alsace-Lorraine during the war, or by public bodies in Alsace-Lorraine, on account of the empire (Art. 58 of the treaty).[4]

*d*) Payment of certain indemnities in the Cameroons and French equatorial Africa (Arts. 124 and 125 of the treaty)

shall be submitted for valuation to the Reparation Commission, which shall be at liberty to use for this purpose all the means at its disposal, including reference to arbitration as proposed in Art. 11 below).[5]

The amounts of these claims, when established, shall be credited to the interested powers in their reparation accounts as of September 1, 1924, and the credits treated as arrears at that date in accordance with the provisions of Art. 19 below.

B) The following claims would appear to be payable apart from and in addition to the Dawes annuities, namely,

*a*) The costs of the civil and military pensions in Alsace-Lorraine earned at the date of the armistice (Art. 62 of the treaty).

*b*) The transfer of the reserves of social insurance funds in Alsace-Lorraine (Art. 77 of the treaty).

Should, however, the German Government succeed in establishing that these claims must be met out of the Dawes annuities, the Allied Governments will concert together as to the manner in which they should be dealt with.

[1]The Rumanian Government at London on August 2, 1924, again objected to accepting these percentages which had been determined at Spa in July, 1920. The Experts in their report of January 6, 1925, say that "there no longer exists any legitimate reason to regard the percentages offered to Rumania as inadequate."

[2]The credits claimed are: France, 17,100,000 gold marks; Great Britain, 7,200,000 gold marks; Italy, 6,200,000 gold marks.

[3]The credits claimed are: Great Britain, £1,310,000; Belgium, 2,037,199 francs; Italy, 129,000 lire; France, 11,000 francs.

[4]Under the Baden-Baden convention the amount claimed is 108,000,000 francs.

[5]The amount claimed is 2,000,000 francs.

*Article 9—Compensation due to the European Commission of the Danube*

There shall be paid forthwith to the European Commission of the Danube, out of the annuities, the sum of 286,800 gold francs, being the amount agreed to be due from Germany to the commission in respect of compensation for damages.

*Article 10—Clearing Office Balances*

No special charge shall be admitted against the Dawes annuities in respect of the clearing offices balances of pre-war debts or other claims under the economic clauses of the treaty, unless it is shown that any allied power claiming the benefit of such charge has a net credit balance due for payment, after applying, to meet its claims under the economic clauses, the German properties and other assets which it has the power to liquidate under the same articles. No provision shall be made for such net credit balances during the first four years of the Dawes Plan.

## Chapter II.—Settlement of Past Accounts

*Article 11—Distribution Accounts; Provision as to Arbitration*

The Allied Governments request the Reparation Commission to draw up as soon as possible definite distribution accounts as at September 1, 1924.

They will give authority to their respective delegates on the Reparation Commission to submit to arbitration all questions of fact or of figures arising on the accounts, and, to the fullest possible extent, questions of interpretation on which they are not unanimous, in so far as it is not already provided for in any existing arrangement.

The above provisions will apply in particular to the settlement of the Ruhr accounts, in accordance with the principles set out below, and to questions which may arise in regard to the amounts due under the heads of restitutions or other non-reparation claims.

*Article 12—Ruhr Accounts*

A) The Reparation Commission shall fix, in accordance with the provisions of the treaty of Versailles and the practice hitherto in force, the value in gold marks of the receipts of every nature obtained by the French, Belgian and Italian Governments from Germany since January 11, 1923, in so far as such receipts have not already been accounted for to it. The Reparation Commission shall similarly determine the amounts to be set against such receipts, with a view to securing that the powers concerned receive credit for expenditure actually incurred by them, subject, however, to the detailed provisions below with respect to army costs.

B) Separate account will be drawn up for deliveries in kind and cash receipts.

C) The accounts of deliveries in kind shall include the value as determined by the Reparation Commission of—

1. Deliveries in kind not yet accounted for to the commission, including deliveries paid for from the "fonds commun" and the "fonds spécial."

2. All requisitions under or on the analogy of Art. 6 of the Rhineland agreement and all paper marks seized and fines imposed by the armies of occupation during the period January 1, 1923, up to August 31, 1924, in so far as they have not already been reported to the Reparation Commission.

Against these receipts will be allowed as deductions the extra costs incurred by the French and Belgian Governments during the period January 1, 1923, to August 31, 1924, through the maintenance of military forces in German territory not occupied on January 1, 1923, after setting off the normal costs of the maintenance of these forces in their home garrisons.

The net value of the deliveries in kind so determined shall be debited in the reparation accounts against the powers which have received them.

The value of coal and coke sold to Luxemburg during the same period shall be treated as a delivery in kind to France.

D) The account of cash receipts shall include cash receipts of all kinds obtained by the occupying powers, including the gross amounts obtained from taxes or duties, licenses, derogations, etc. . . . and the net receipts of the railway régie as ascertained by the Reparation Commission after verification of the accounts.

From these receipts will be allowed as deductions the civil costs of collection and expenses of administration incurred before August 31, 1924, and the costs of loading coal and exploitation of mines and cokeries up to the same date.

The balance of the account shall, with the exception of the sum mentioned in subpar. 1 of par. B of Art. 3, be paid over to the Belgian Government, which shall be debited on account of the priority for the period before September 1, 1924, with the full amount received, less the interest due on the German treasury bills transferred to Belgium in 1922.

E) In accordance with Annexe III to the London protocol, no claim will be made for payment out of the Dawes annuities of any costs in respect of military forces in German territory not occupied on January 1, 1923, other than the value of requisitions effected by or services rendered to these forces after September 1, 1924. The value of such requisitions or services will be accounted for as deliveries on reparation account to the allied powers concerned.

## Chapter III.—Special Questions Arising out of Previous Agreements

*Article 13—Extension beyond January 1, 1923, of the provisions of Art. 2 of the agreement of March 11, 1922; appropriation of deliveries in kind to the costs of armies of occupation*

The French, British and Belgian Governments agree that the forfeits fixed or to be fixed for their respective armies of occupation from January 1, 1923, and until August 31, 1928, in so far as they are not met out of requisitions of paper marks and services, etc., under Art. 6 of the Rhineland agreement, should be charged on the deliveries in kind (including receipts under the British reparation recovery act and any similar levy established by any other Government) received by them, respectively, and the Reparation Commission is requested to give effect to this decision in its accounts.

*Article 14—Extension beyond January 1, 1923, of the provisions of Art. 6 of the agreement of March 11, 1922; retention by each power of the deliveries in kind received by it*

Each of the Allied Governments having a credit due to it on reparation account shall be entitled to retain, without being required to make payment in cash for the value thereof, the deliveries in kind (including reparation recovery act receipts) received and retained by them between December 31, 1922, and September 1, 1924. The receipts of each power, however, up to September 1, 1924, shall be taken into account in determining the adjustments provided for in Art. 19.

*Article 15—Costs of the Armies of Occupation for the Period May 1, 1922, to August 31, 1924*

A) The credits to be given in respect of the costs of occupation for the period May 1, 1922, to May 1, 1924, are as follows:

| | French share of forfait, gold marks | Belgian share of forfait, gold marks | British share of forfait, gold marks |
|---|---|---|---|
| May 1, 1922, to April 30, 1923 . . . . | 155,526,693 | 30,680,158 | 21,092,922 |
| May 1, 1923, to April 30, 1924 . . . . | 117,195,330 | 23,284,922 | 22,369,567 |

B) As regards the cost of occupation for the period May 1, 1924, to August 31, 1924, the Allied Governments will authorize their representatives on the Reparation Commission to make the necessary adjustment on the basis of the principles on which the above figures were calculated.

C) The Reparation Commission is required to introduce those figures into its accounts for the years in question.

*Article 16—Debits for the Vessels Allotted or Transferred to Belgium Under Art. 6 (4) of the Spa Protocol*

The debits in the interallied accounts for the vessels allotted or transferred to Belgium under Art. 6 (4) of the Spa protocol,[1] shall be dealt with under Art. 12 of the finance ministers' agreement of March 11, 1922, instead of as provided for in the Spa protocol.

*Article 17—Debits for Shantung Railways and Mines*

In respect of the railways and mines referred to in the second paragraph of Art. 156 of the treaty of Versailles, Japan will be debited by the Reparation Commission in the interallied accounts only with the equivalent of the compensation which has been, or may be, in fact, paid by the German Government to its nationals for their interests. Pending the establishment of the amounts in question, Japan will be regarded as entitled to her full percentage of reparations as from September 1, 1924.

## Chapter IV.—Interest and Arrears

*Article 18—Interest Account*

The Allied Governments agree that all interest charges on reparation receipts up to September 1, 1924, should be waived as between the allied powers, and all provisions in existing agreements requiring interest accounts to be kept to that date are canceled. Interest at 5% shall, however, be charged as from September 1, 1924, on the excess receipts shown in the amount to be drawn up under Art. 19 below as due at that date by any allied power to the reparation pool as well as on any further excess receipts which may accrue after that date until they are repaid.

*Article 19—Excesses and Arrears*

A) The Reparation Commission shall, as soon as possible, draw up an account showing as at September 1, 1924, for each power entitled to a share in the reparation payments of Germany, but not including the United States of America:

*a*) The net receipts of that power on reparation account as at September 1, 1924, which shall be calculated by deducting from its total gross receipts as valued for the purpose of interallied distribution, the credits due to it in respect of Spa coal advances, of costs of armies of occupation, excluding the arrears as at May 1, 1921, provided for in Art. 21, of costs of commissions of control not paid in German currency, of profits on ex-

[1]This refers to the transfer to Belgium out of the shares of the other states of an amount of tonnage "equivalent to the tonnage of the vessels condemned after the armistice in the Belgian prize court." The article has the effect of debiting Belgium with the value of the shipping in question in Series C bonds.

change, and of any other approved claims such as the claims referred to in Art. 8 (A) of this agreement.

*b*) The amount that power should have received, had the total net reparation receipts of all the powers been distributed in accordance with the Spa percentage.

By deducting from the amount due to each power its actual debit, the Reparation Commission will determine the arrears due to that power or the excess payments due from that power as at September 1, 1924.

B) A similar calculation shall be made by the Reparation Commission on September 1 in each succeeding year.

C) For the purpose of the above calculations the figures relating to Belgium shall be included on the same footing as those relating to other powers, but, save as provided elsewhere in this agreement, Belgium shall be free of any obligation to repay reparation receipts obtained before September 1, 1924.

Belgium shall, however, if the ease arises, be required to account with interest for any excess of reparation receipts obtained by her after September 1, 1924, over her due proportion, as laid down elsewhere in this agreement, of the total receipts effectively debited to all the powers after that date. In the contrary case Belgium will be regarded as having a claim in respect of arrears.

D) The provisions of the second paragraph of Art. 7 of the agreement of March 11, 1922, relating to the debits to be entered in the account to be drawn up under Art. 235 of the treaty in respect of coal received by Italy before May 1, 1921, shall apply also to the debits for coal received by Italy between May 1, 1921, and December 31, 1922.

*Article 20—Recovery of Arrears*

Except as otherwise provided for in this agreement—

A) The excess receipts of any power, as fixed at the end of each year under Art. 19, shall be repaid by the deduction of a certain percentage from the share of that power in each succeeding annuity until the debt is extinguished, with interest at 5%, provided that no repayments under this subsection shall be required out of the annuities for the years commencing September 1, 1924, and September 1, 1925.

B) In the case of Italy and the S. H. S. State,[1] this deduction shall be fixed at 10%. In the case of other countries the deduction shall be calculated by the Reparation Commission on a similar basis.

C) The repayments made by the debtor powers shall be distributed between the powers in credit to the reparation pool in proportion to their respective arrears.

[1]Serb-Croat-Slovene State.

*Article 21—Costs of the Armies of Occupation to May 1, 1921*

The arrears due to France and Great Britain on account of pre-May 1, 1921, army costs shall be excluded from the general account of arrears and shall be discharged by a special allotment out of the Dawes annuities (ranking immediately after the charge in favor of U. S. army costs) of the following amounts, namely:

| | |
|---|---|
| First year | 15,000,000 gold marks |
| Second year | 20,000,000 gold marks |
| Third year | 25,000,000 gold marks |
| Fourth year | 30,000,000 gold marks |

and thereafter an annuity of 30,000,000 gold marks until the arrears are extinguished.

The allotment shall be divided between France and Great Britain[1] in the proportion, France 57%, Great Britain 43%. The allotment shall be taken in deliveries in kind during the first two years of the Dawes Plan and thereafter may be transferred either in deliveries in kind or cash. This arrangement will not affect the distribution of any cash receipts now in the hands of the Reparation Commission available for the liquidation of army costs arrears, which receipts will be dealt with in accordance with Art. 8 of the agreement of March 11, 1922, and credited against the capital arrears. Further, the annuity above provided for will retain a prior charge up to 25% of its amount on any cash receipts not arising out of the Dawes Plan which may accrue to the Reparation Commission in the future on account of Germany.

## Chapter V.—Miscellaneous Questions

*Article 22—Payment by Czechoslovakia for Deliveries in Kind*

The sums due by Czechoslovakia to the Reparation Commission in respect of the deliveries in kind received by her from Germany and Hungary since May 1, 1921, shall be placed in a suspense account and carry interest at 5% from September 1, 1924.[2]

*Article 23—Bulgarian Payments*

Without prejudice to any question of principle, the payments made or to be made up to December 31, 1926, by Bulgaria under the protocol of Sofia dated March 21, 1923, will be distributed between the allied powers in the proportions laid down in Art. 2 of the Spa protocol.[3] The

[1]The British arrears amount to 143,276,000 gold marks and the French to 219,064,000.

[2]Amounts of 10,252,486 gold marks and 683,234 gold crowns are involved.

[3]One half to the principal reparation creditors in the customary proportions; 20% to Italy and 30% principally to Balkan creditors.

Allied Governments will agree together as to the method of distribution of these payments to be adopted after December 31, 1926.

*Article 24—Properties Ceded to the Free City of Danzig*

The Allied Governments give full powers to their respective representatives on the Reparation Commission to settle all questions connected with the debt due by the Free City of Danzig in respect of the value of the public properties ceded to the Free City by Germany, including such adjustments of the payments to be made by the Free City as may be necessitated by its financial situation.

*Article 25—Recommendations with Regard to Distribution of Payments Throughout the Year*

The finance ministers draw the attention of the Reparation Commission to the fact that the operation of the Dawes Plan would be greatly facilitated if the Agent General for Reparation Payments could so arrange that the annual payments to be made during the operation of the Dawes Plan may be distributed throughout the course of each year, and they request the Reparation Commission and the agent general to consider what steps can be taken to secure this result, which is of particular importance during second and third years of the plan.

With a view to accomplishing this result the Allied Governments so far as they are concerned authorize the Reparation Commission and the Agent General for Reparation Payments, in cooperation with the trustees for railway bonds and industrial debentures, to take all action that may be necessary to arrange the due date of the payments to be made on the railway and industrial bonds so as to provide for a gradual and even flow of payments throughout each annuity year.

Furthermore the finance ministers authorize the Reparation Commission to make arrangements, so far as may be practicable without prejudicing the requirements of other powers, to enable the Portuguese Government to obtain during the earlier months of the second year of the Dawes Plan (within the limit of its share in the second annuity) the sums necessary to complete certain outstanding orders for deliveries in kind of special importance to it.

*Article 26—Interpretation and Arbitration*

This agreement shall be transmitted to the Reparation Commission, and the commission will be requested to give effect thereto and to adjust the payments during the remainder of the year to August 31, 1925, and during subsequent years, so that the total receipts of each allied power during each year shall not exceed its share under this agreement. The Reparation Commission shall have authority by unanimous resolution to interpret the provisions of the agreement in so far as the allied powers

are concerned. If any difference or dispute shall arise on the Reparation Commission or between the allied powers in respect of the interpretation of any provisions of this agreement or as to anything to be done hereunder, whether by the commission or otherwise, the same shall be referred to the arbitration of a single arbitrator to be agreed unanimously by the members of the Reparation Commission, or, failing agreement, to be appointed by the president for the time being of the Permanent Court of International Justice.

Any difference or dispute that may arise with the United States of America regarding the interpretation of this agreement affecting American claims or the rights of the United States of America under this agreement shall be referred to an arbitrator to be agreed upon between the United States of America and the Reparation Commission acting unanimously.

*Article 27—Reservation as to Rights and Obligations of Germany*

The provisions of the present arrangement concluded between the powers interested in reparations do not prejudice any rights or obligations of Germany under the treaties, conventions and arrangements at present in force.

The present agreement, done in English and French in a single copy, will be deposited in the archives of the Government of the French Republic which will supply certified copies thereof to each of the signatory powers.

In the interpretation of this agreement, the English and French texts shall be both authentic.

Paris, January 14, 1925.

Clémentel.
G. Theunis.
Winston S. Churchill.
Myron T. Herrick.
Frank B. Kellogg.
James A. Logan, Jr.
Alberto de' Stefani.
K. Ishii.
L. M. de Souza Dantas.
Em. J. Tsouderos.
J. Mrozowski.
J. Karsnicki.
Antonio da Fonseca.
Vintila Bratiano.
N. Titulescu.
Stoyadinovitch.
Stefan Osusky.

## IV. STATUS AND DISTRIBUTION OF PAYMENTS

The total of payments made on account of reparation is still (April, 1925) uncertain. The Agent General for Reparation Payments is the only receiving officer whose accounts are up-to-date and straight, and as yet they represent only a small fraction of the total. The financial agrcement of January 14, 1925, straightened out a good many of the minor outstanding questions which had bothered the Reparation Commission, and during the current plan year its accounts should show a great improvement on the score of accuracy. The largest unreported set of items is the receipts by the creditor states direct from German properties passing to them under the treaty of Versailles.[1] The Reparation Commission can not account for these until the benefiting Governments report them; and the latter have given few signs in that respect. The withheld credits probably run as high as 10,000,000,000 gold marks. The value of all transfers of wealth by Germany has been estimated at 25,800,000,000 by American economists.[2] The Reparation Commission has issued no statement sinee July, 1923, showing the liquidation of the German reparation bonds which are thc evidence of the debt.

One reason for incompleteness has been uncertainty. In January, 1924, the Reparation Commission and the German Government left to the arbitration of President Beichmann of the Trondhjem Court of Appeals a far-reaching series of questions arising from the difficulty of intcrpreting Art. 260 of the treaty of Versailles, which stipulates that the commission may demand the transfer of various extra-German rights and intercsts of German nationals. The award was rendered in Decembcr, 1924,[3] to the effect that, as the commission contended, Art. 260 applied to:

1. All territories ceded by the treaties of peace with Austria, Hungary and Bulgaria;
2. All accessories of a concession or enterprise;
3. Bonds held by German nationals;
4. Concerns properly characterized as concessions and public

[1]See *Reparation*, Pt. I, p. 35–41.

[2]Moulton and McGuire, *Germany's Capacity to Pay*, p. 75.

[3]*Le Temps*, December 18, 1924, p. 1.

utility undertakings situated in the territories contemplated by Art. 260, even though they were the property of companies having their social seats outside of those territories or in Germany;

5. Enterprises for the distribution of water, gas and electric current.

The arbitrator upheld the German contentions that Art. 260 did not apply to:

1. German schools in the Near East;
2. German shares in the Swiss Bank for Oriental Railroads;
3. Upper Silesian territories transferred to Poland;
4. *Verleihungen* (grants) under German law giving the first applicant a right to establish a claim are not equivalent to concessions, with particular reference to mining enterprises.

In accordance with this award the commission sold at auction on February 13 and 18, 1925, a large number of shares in Austrian and Hungarian railroad companies formerly held by the German Government, the Erste Donau Dampfschifffahrts, Haidar Pasha Harbor, Scutari Kadikeuy Water, Mersina-Tarsus-Adana Railroad, Ottoman Joint Stock Company and Workshops of the Upper Bosporus and the Anatolian Railroad.[1]

### Instance of Belated Settlement

Another instance of belated settlement may be mentioned. Art. 254 of the treaty of Versailles provides that Germany shall be credited on reparation account with a portion of the German imperial and state debt as it stood on August 1, 1914, corresponding to the "relative ability" of territories ceded to make payment. On November 18, 1924, the Reparation Commission determined the resulting debits in gold marks against creditor states as follows:[2]

| | |
|---|---|
| Belgium | 640,609 |
| Danzig | 3,763,729 |
| Czechoslovakia | 242,879 |
| Poland (Upper Silesia) | 1,750,361 |
| Poland (for other territories) | 17,121,438 |

The table which follows combines the Reparation Commission accounts, the Franco-Belgian Ruhr occupation accounts as

[1]London *Times*, January 23 and 28, 1925.

[2]*Le Temps*, November 20, 1924, p. 1; New York *Times*, November 19.

provisionally made up and the agent general's semi-annual cumulative statement.

The Ruhr account requires explanation. The debatable period runs from January 11, 1923, until August 31, 1924, at which date the accounts came under the supervision of the agent general. In that period the following collecting agencies were established: The Interallied Mission of Control for Factories and Mines (Micum), collecting the coal tax and granting trade licenses with extra-Ruhr territory; the Customs Committee of Direction; the Managing Committee for Import and Export Licenses; the Managing Committee for Forests; the delegates for circles and the customs services; the river service. The product of their operations was centralized with the Special Accounting Committee for Pledges, with headquarters at Coblenz.[1] Of its own accounts, the French Government says "it is impossible for us to give any guaranty of their correctness."[2] The reasons assigned are the hasty recruitment of agents, who were employed without adequate examination and the independence of officials acting without the usual supervision. As a consequence, a French commission was appointed to draw up an accurate account, of which M. Lamoureux, assistant general reporter of the Commission on Finances of the Chamber of Deputies, was chairman.

France and Belgium on May 12, 1924, reached an agreement dividing the Ruhr receipts into three categories. The first was takings or deliveries in kind. The second was takings by each state and requisitions under the Rhineland agreement, earmarked for occupation expenses. The third was the common fund, in which Italy shared, and which was employed to purchase commodities on order.

The accounts here presented are rearranged from the *Inventaire de la situation financière de la France* and the communiqués of the Agent General for Reparation Payments.

[1]A Franco-Belgian provisional report on January 9 (*Le Temps*, p. 2) makes no change in the records of the Coblenz committee.

[2]*Inventaire de la situation financière*, p. 164.

## GERMAN REPARATION PAYMENTS NOVEMBER 11, 1918–FEBRUARY 28, 1925

(Expressed in thousands of gold marks; 000 omitted)

| | United States | British Empire | France | Belgium | Italy | Other states | Undivided | Total |
|---|---|---|---|---|---|---|---|---|
| **A. Reparation Commission** | | | | | | | | |
| *I. Until May 1, 1921* | | | | | | | | |
| Deliveries in kind | 23,375 | 222,696 | 901,702 | 534,892 | 84,042 | 41,156 | 478,752 | 2,286,615 |
| Cash | — | 637,925 | 142,649 | 508 | 21 | 15 | 6,411 | 787,529 |
| Non-liquid assets | — | 538[1] | 2,042[2] | 635[3] | — | — | 2,390,486[4] | 2,393,701 |
| | 23,375 | 861,159 | 1,046,393 | 536,035 | 84,063 | 41,171 | 2,875,649 | 5,467,845 |
| *II. After May 1, 1921* | | | | | | | | |
| Deliveries in kind | — | 440,095 | 383,938 | 98,315 | 276,855 | 331,786 | 6,150 | 1,537,139 |
| Saar mines | — | — | 300,000 | — | — | — | — | 300,000 |
| Cash | — | — | 844 | 1,083,297 | 32,775 | 747 | 234 | 1,117,897 |
| | | 440,095 | 684,782 | 1,181,612 | 309,630 | 332,533 | 6,384 | 2,955,036 |
| **B. Income from Ruhr Occupation** | | | | | | | | |
| Deliveries in kind | — | — | 25,000 | 11,000 | 117,000 | — | — | 153,000 |
| Marks requisitioned or taken | — | — | 60,000 | 4,000 | — | — | — | 64,000 |
| Cash deliveries | — | — | — | 7,000 | — | — | — | 7,000 |
| Penalties and taxes | — | — | 1,000 | 500 | — | — | — | 1,500 |
| Seizures | — | — | 21,000 | 3,000 | — | — | — | 24,000 |
| Coal | — | — | 190,000 | 85,000 | 59,000 | — | — | 334,000 |
| Various deliveries | — | — | 69,000 | 22,000 | — | — | — | 91,000 |
| River boats | — | — | 11,000 | — | — | — | — | 11,000 |
| Common fund | — | — | 8,000 | 1,600 | 800 | — | — | 10,400 |
| Receipts at Coblenz: | | | | | | | | |
| Coal tax | — | — | — | — | — | — | 129,000 | 129,000 |
| Customs | — | — | — | — | — | — | 163,000 | 163,000 |
| Licenses, etc. | — | — | — | — | — | — | 101,000 | 101,000 |
| Forests | — | — | — | — | — | — | 27,000 | 27,000 |
| Circulation permits and unclassified | — | — | — | — | — | — | 3,000 | 3,000 |
| Railroad régie | — | — | — | — | — | — | 67,000 | 67,000 |
| | | | 385,000 | 134,100 | 176,800 | | 490,000 | 1,185,900 |

*C.* EXPERTS' PLAN, SEPTEMBER 1, 1924–FEBRUARY 28, 1925

| | *United States* | *British Empire* | *France* | *Belgium* | *Italy* | *Other states* | *Undivided* | *Total* |
|---|---|---|---|---|---|---|---|---|
| Amounts paid | — | 106,845 | 197,482 | 45,165 | 37,193 | 23,935[5] | 116,215 | 579,911[6] |
| | 23,375 | 1,408,099 | 2,313,657 | 1,896,912 | 607,686 | 397,639 | 3,488,248 | 10,188,692 |
| Probably due to Belgium | — | — | 121 | — | — | — | — | 121 |
| German debt debits[7] | — | — | 641 | — | — | — | 22,878 | 23,519 |
| | | | 2,314,419 | | | | 3,511,126 | 10,212,332 |

[1]Represents property in British concession at Shameen.

[2]German school in French concession at Shanghai.

[3]In respect of Moresnet, Eupen and Malmédy.

[4]The bulk of this item is debited to Poland. *Cf. Reparation*, Pt. III, p. 203.

[5]Divided as follows: Serb-Croat-Slovene State, 14,939,450; Rumania, 3,286,757; Portugal, 2,598,475; Japan, 1,923,754; Greece, 1,186,840.

[6]The total of the receipts shown is 526,835,000 gold marks, indicating 53,076,000 gold marks of occupation costs and Ruhr charges passing through the office of the agent general but not credited to reparation account.

[7]See p. 293, *supra*.

## EXPENSES CHARGED AGAINST REPARATION PAYMENTS

| | British Empire | France | Belgium | Italy | Other states | Total |
|---|---|---|---|---|---|---|
| *A.* Reparation Commission | | | | | | |
| *I. Until May 1, 1921* | | | | | | |
| Armies of occupation, control commissions, coal advances | 1,003,897 | 1,263,415 | 202,649 | 39,437 | 269 | 2,509,667 |
| *II. After May 1, 1921* | | | | | | |
| Armies of occupation, control commissions | 82,104 | 345,118 | 87,103 | 470 | 520 | 515,315 |
| *B.* Ruhr régime | | | | | | |
| Armies of occupation | — | 184,000 | 35,000 | — | — | 219,000 |
| Replacement of American troops | — | 13,000 | — | — | — | 13,000 |
| Control commission | — | 1,000 | 200 | — | — | 1,200 |
| Administrative expenses | — | — | — | — | — | 16,000 |
| Destockage and exploitation | — | — | — | — | — | 54,000 |
| Occupation, additional | — | 95,000 | 18,600 | — | — | 113,600 |
| *C.* Experts' Plan, September 1, 1924–February 28, 1925 | | | | | | |
| Reparation Commission | — | — | — | — | — | 3,567 |
| Rhineland Commission | — | — | — | — | — | 2,717 |
| Military Commission | — | — | — | — | — | 6,000 |
| Naval Commission | — | — | — | — | — | 70 |
| Interest on German external loan | — | — | — | — | — | 29,130 |
| Office of Reparation Payments | — | — | — | — | — | 1,227 |
| Occupation and Ruhr costs, etc. | — | — | — | — | — | 53,076[1] |
| | 1,086,001 | 1,901,533 | 343,552 | 39,907 | 789 | 3,537,569 |

[1]The detailed accounts show a larger amount, which, however, includes creditable items. The sum given is the difference between the total received up to February 28, 1925, and the amounts distributed or in bank.

## V. ANNUITIES UNDER THE PLAN

Probably the chief interest in the operation of the Experts' Plan centers around what the creditors are going to receive. Even a casual reading of the finance agreement of January 14, 1925, will indicate that the determination of the divisible remainder in any one year is not an easy matter. It is not rendered simpler by the existence of numerous outstanding allied claims and counter-claims both on past and current accounts (*cf.* Arts. 8, 11, 19 and 20). Until the Reparation Commission has reduced all of these to definitely agreed figures, has offset excesses against arrears, and has fixed methods of procedure for the liquidation of the arrears, it will in any case be impossible to give a picture of the payments of any plan year with mathematical accuracy. As it is probable that all concerned will seek to realize the terms of the finance agreement, the following experimental tabulations of payments during the first five plan years have been made to include the specific priority charges called for in that agreement:

### First Year

September 1, 1924, to August 31, 1925

| | *Gold Marks* | *Gold Marks* |
|---|---|---|
| Payable by Germany | | 1,000,000,000 |
| Charges: | | |
| 1924 external 7% gold loan, interest and sinking fund (*cf.* Art. 3, A, 1) | 80,000,000[1] | |
| Reparation Commission and Dawes organization (Art. 1, A) | 9,250,000 | |
| Interallied Rhineland High Commission (Art. 1, B) | 10,000,000 | |
| Military Commission of Control (Art. 1, C) | 8,000,000 | |
| European Commission of Danube (Art. 9) | 216,355 | |
| French and British arrears pre-May 1, 1921, army costs (Art. 21) | 15,000,000 | |
| Belgian army of occupation (Art. 2, A) | 25,000,000[2] | |
| British army of occupation (Art. 2, A) | 25,000,000[2] | |
| French army of occupation (Art. 2, A) | 110,000,000[2] | 282,466,355 |
| Net available for distribution | | 717,533,645 |

[1]Less than full year's charge because of the incidence of due dates.

[2]To be met from annuity receipts, but to be repaid as reparation arrears (Art. 2, B).

| | Gold Marks | Gold Marks |
|---|---|---|
| Priorities: | | |
| Belgian war debt, 5% (Art. 4) . . . . . | 35,876,682 | |
| Restitution, 1% (Art. 5, A, a) . . . . . | 7,175,337 | 43,052,019 |
| United States claims account, 2¼% (Art. 3, A, 2) . . . | | 15,175,837 |
| Available for Spa percentages . . . . . | | 659,305,789[1] |

SECOND YEAR

SEPTEMBER 1, 1925, TO AUGUST 31, 1926

| | | |
|---|---|---|
| Payable by Germany . . . . . | | 1,220,000,000 |
| 1924 external 7% gold loan, interest and sinking fund (*cf.* Art. 3, A, 1) . . . . . | 90,000,000 | |
| Charges: | | |
| Reparation Commission and Dawes organization (Art. 1, A) . . . . . | 7,500,000 | |
| Interallied Rhineland High Commission (Art. 1, B) . . . . . | 9,000,000[2] | |
| Military Commission of Control (Art. 1, C) . | 4,000,000[3] | |
| French and British arrears pre-May 1, 1921, army costs (Art. 21) . . . . . | 20,000,000 | |
| Armies of occupation, estimate . . . . . | 150,000,000[4] | 280,500,000 |
| Net available for distribution . . . . . | | 939,500,000 |
| Priorities: | | |
| Belgian war debt, 5% (Art. 4) . . . . . | 46,975,000 | |
| Restitution, 1% (Art. 5, A, a) . . . . . | 9,395,000 | 56,370,000 |
| | | 883,130,000 |

[1]Belgium has an 8% priority on this amount (Art. 6).

[2]The amount is to be settled subsequent to the finance agreement of January 14, 1925. The figure for the first reparation year was the figure of expenses shown for the previous year, which were abnormally high, and an effective control would reduce the costs below the figure tabulated. Moreover, it is probable that the Cologne sector will not be occupied in the second year, reducing expense on that account.

[3]The interallied experts in their report of January 6 forecast a speedy reduction of the expense of this commission to 25% of its then monthly rate. The probability that the commission will be abolished in 1925 and a control under the Council of the League of Nations substituted makes the inclusion of the item somewhat problematical.

[4]The arrangement for army costs for this and future years is to be made in the current plan year (Art. 2, E). The probable evacuation of the Cologne sector would eliminate the British charge entirely, and the British are insistent that the occupation rates be kept as low as possible, and that the occupying armies charge only for men actually in the armies of occupation.

| | | Gold Marks |
|---|---|---|
| United States claims account, 2¼% (Art. 3, A, 2) . . . | | 19,870,425 |
| Available for Spa percentages . . . . . | | 863,259,575[1] |

THIRD YEAR

SEPTEMBER 1, 1926, TO AUGUST 31, 1927

| | | |
|---|---|---|
| Payable by Germany . . . . . | | 1,200,000,000 |
| Charges: | | |
| 1924 external 7% gold loan, interest and sinking fund (*cf.* Art. 3, A, 1) . . . . . | 89,000,000 | |
| Reparation Commission and Dawes organization (Art. 1, A) . . . . . | 7,500,000 | |
| Interallied Rhineland High Commission (Art. 1, B) . . . . . | 8,000,000 | |
| [Military Commission of Control . . . . . | 3,000,000[2]] | |
| French and British arrears pre-May 1, 1921, army costs (Art. 21) . . . . . | 25,000,000 | |
| United States army costs (Art. 3, A, 1) . . . | 55,000,000 | |
| Armies of occupation, estimate . . . . . | 145,000,000 | 332,500,000 |
| Net available for distribution . . . . . | | 867,500,000 |
| Priorities: | | |
| Belgian war debt, 5% (Art. 4) . . . . . | 43,375,000 | |
| Restitution, 1% (Art. 5, A, a) . . . . . | 8,675,000 | 52,050,000 |
| | | 815,450,000 |
| United States claims account, 2¼% (Art. 3, A, 2) . . . | | 18,347,625 |
| Available for Spa percentages . . . . . | | 797,102,375 |

FOURTH YEAR

SEPTEMBER 1, 1927, TO AUGUST 31, 1928.

| | | |
|---|---|---|
| Payable by Germany . . . . . | | 1,750,000,000 |
| Charges: | | |
| 1924 external 7% gold loan, interest and sinking fund (*cf.* Art. 3, A, 1) . . . . . | 88,000,000 | |
| Reparation Commission and Dawes organization (Art. 1, A) . . . . . | 7,500,000 | |
| Interallied Rhineland High Commission (Art. 1, B) . . . . . | 8,000,000 | |

[1]The Belgian quota is to be reduced from 8 to 4.5% as soon as the priority is extinguished. It is assumed for this plan year that the priority will continue through six months of the year (*cf.* Art. 6, B, *c* and C).

[2]This item will have disappeared in all probability (*cf.* note to the second year).

| | Gold Marks | Gold Marks |
|---|---|---|
| [Military Commission of Control | 2,000,000[1]] | |
| United States army costs (Art. 3, A, 1) | 55,000,000 | |
| French and British arrears pre-May 1, 1921, army costs (Art. 21) | 30,000,000 | |
| Armies of occupation, estimate | 140,000,000 | 330,500,000 |
| Net available for distribution | | 1,419,500,000 |
| Priorities: | | |
| Belgian war debt, 5% (Art. 4) | 70,975,000 | |
| Restitution, 1% (Art. 5, A, a) | 14,195,000 | 85,170,000 |
| | | 1,334,330,000 |
| United States claims account, 2¼% (Art. 3, A, 2) | | 30,022,425 |
| Available for Spa percentages | | 1,304,307,575 |

FIFTH OR STANDARD YEAR

SEPTEMBER 1, 1928, TO AUGUST 31, 1929

| | | |
|---|---|---|
| Payable by Germany | | 2,500,000,000 |
| Charges: 1924 external 7% gold loan, interest and sinking fund (*cf.* Art. 3, A, 1) | 88,000,000 | |
| Reparation Commission and Dawes organization (Art. 1, A) | 7,500,000 | |
| Interallied Rhineland High Commission (Art. 1, B) | 7,500,000[2] | |
| [Military Commission of Control (Art. 1, C) | 2,000,000[3]] | |
| United States army costs (Art. 3, A, 1) | 55,000,000 | |
| French and British arrears pre-May 1, 1921, army costs (Art. 21) | 30,000,000 | |
| Armies of occupation, estimate | 135,000,000 | 325,000,000 |
| Net available for distribution | | 2,175,000,000 |

[1]This item will have disappeared in all probability.

[2]It is assumed that the smooth working of the plan will effect reductions of expenses on the commission account. In the sixth year the commission should contemplate a further reduction of personnel by reason of the evacuation of the Coblenz sector coming due by virtue of Art. 429 of the treaty of Versailles by January 10, 1930; in the eleventh year of the plan's operation the Mainz-Kehl sector is due for evacuation, in which event the Interallied Rhineland High Commission would cease to exist.

[3]This item is carried "pour mémoire," as the French say. As indicated above, the commission may reasonably be expected to cease functioning shortly. The Interallied Naval Commission was wound up in September, 1924, and the control, if and as necessary, transferred to the Council of the League of Nations.

| | *Gold Marks* | *Gold Marks* |
|---|---|---|
| Priorities: | | |
| Belgian war debt, 5% (Art. 4) . . . . . | 108,750,000 | |
| Restitution, 1–2% (Art. 5, A, *b*) . . . . . | 21,750,000[1] | 130,500,000 |
| Net available for distribution . . . . . | | 2,044,500,000 |
| United States claims account 2¼%[2] (Art. 3, A, 2) . . . . . | | 45,000,000 |
| Available for Spa percentages . . . . . | | 1,999,500,000 |

[1]If this priority is running in the fifth year, it would seem to take about 9,500,000 gold marks more (see Art. 5, A, *b*).

[2]Actually amounts to 46,704,700 gold marks. The finance agreement, Art. 3, A, 2, provides that "the annuity resulting from this percentage shall not in any year exceed the sum of 45,000,000 gold marks."

## VI. DURATION AND AMOUNT OF PAYMENTS

No qualified experts have yet begun to figure the probable income from the Experts' Plan, the total of which is necessarily due primarily to the length of time it shall run. As the Reichsbank is the essential key of the scheme, and the German law of August 30, 1924, specifies that its duration shall be for 50 years under that law, it may be assumed that the plan is not likely to be operative over a longer time than that. It is almost inconceivable that in 1974 the German Government would be in a position where the present special position of the Reichsbank, adapted to the payment of reparation and the special controls contingent thereon, would be reenacted into law. Art. 232 of the treaty of Versailles provides for the payment of reparation within 30 years from May 1, 1921. It will naturally make a great deal of difference whether the reparation payments run for 26 years or for 49 years more. Beginning with the fifth, or standard, year increase of payments will be effective by application of the index of prosperity provided for in the Experts' Report, and described in the protocol of August 8. What excess above 2,500,000,000 gold marks the application of the index will bring is, of course, problematical.

In July, 1924, the French Government estimated that the value of the French share of reparation was 41,835,000,000 gold francs.[1] In the *Inventaire de la situation financière de la France* of Finance Minister Clémentel, he purports to give a balance sheet of the assets and liabilities of France, in which the "fixed annuities of the Dawes Plan" are capitalized at 103,900,000,000 francs. Franc exchange on December 15, 1924, the approximate date of the issuance of the *Inventaire*, was 18.64 on the Bourse in Paris, indicating a depreciation of a little more than 3.5. The sum included in the balance sheet in paper francs would, therefore, apparently be the equivalent of 29,685,714,300 gold francs, presumably present value, representing 52% of divisible reparation due to France. The total sum divisible from the fixed annui-

[1]In the Chamber on August 22, 1924, M. Le Trocquer said: "The figure given by the president of the Council to the Senate on July 11, 1924, was 41,835,000,000" (*Journal officiel*, Chambre des Députés, Aug. 22, p. 3013–14).

ties would amount to 57,087,916,000 gold francs, or 46,241,211,960 gold marks, on that basis.

It should, however, be understood that France holds to the theoretical possibilities of the Schedule of Payments. M. Clémentel states:

> [The Experts' Plan] leaves intact the right of the allies to claim from their debtor the total amount of 132,000,000,000 gold marks, at which their credit has been fixed. France has abandoned no part of her rights; the conditions under which the question of interallied debts will be finally settled will control the attitude which she will take in respect to her own debtor and will dictate the abatements to which she may eventually consent.[1]

The percentages of each state in the distribution of the residue divisible on the reparation account remain, in general, those fixed at Spa, in the agreement of July 16, 1920. In view of maintaining the Belgian priority, however, Belgium's 8% is reduced to 4½% after the priority is extinguished. The other 3½% will be divided between France and Great Britain not later than September 1, 1926. As a result, from that date at least France will receive 52/74ths of 3½% of divisible reparation in addition to the 52% now received: that is, a total of 54.46%. The British Empire—not Great Britain, as the finance agreement states—will receive 22/74ths in addition to the Spa 22%, or a total of 23.04%. The Greek percentage is definitely fixed at .4% as far as German payments are concerned, and the Rumanian at 1.1%, a concession after four years and a half of .1%. With these changes or new decisions the divisible reparation income will be distributed as follows:

[1] *Inventaire de la situation financière de la France*, p. 174.

| | | | |
|---|---|---|---|
| France | | | 54.46% |
| British Empire | | | 23.04% |
| Great Britain | 86.85% | 20.01024 | |
| Minor colonies | 0.80% | 0.18432 | |
| Canada | 4.35% | 1.00224 | |
| Australia | 4.35% | 1.00224 | |
| New Zealand | 1.75% | 0.40320 | |
| Ireland[1] | 1.20% | 0.27648 | |
| South Africa | 0.60% | 0.13824 | |
| Newfoundland | 0.10% | 0.02304 | |
| Italy | | | 10.00% |
| Serb-Croat-Slovene State | | | 5.00% |
| Belgium | | | 4.50% |
| Rumania | | | 1.10% |
| Portugal | | | 0.75% |
| Japan | | | 0.75% |
| Greece | | | 0.40% |

[1]Division between the Irish Free State and Northern Ireland is undetermined.

## VII. THE OPERATION OF THE EXPERTS' PLAN

The Reparation Commission no longer sits at Paris. It still exists under the treaty, but the delegates are living at home, without salary, though they receive a monthly retainer, traveling expenses and a per diem allowance for attendance at infrequent sessions. The business of the commission is in the charge of the assistant delegates, who "constitute a permanent managing committee, directing the work of the interallied secretariat general, taking all necessary decisions to expedite current business and reporting to the full commission." The assistant delegates have these powers under the treaties of peace with Germany, Austria and Hungary. The reorganization of the commission involved the suppression of secretaries to delegates and assistant delegates, the Financial Service, the Service of Restitutions and Deliveries in Kind, the assistant secretary general, the national assistant secretaries general, the services outside of Paris, the Information Service at Paris, except for the library, the secretariat of the Legal Service (itself reduced to four members), the reduction of the Accounting Service, and, in general, the reduction of the personnel to the greatest possible extent.[1] The reorganization was effective February 1, 1925.

The Committee of Guaranties, which had played an extensive part in the reparation problem both before and after the Schedule of Payments of May 5, 1921, was discontinued on September 1, 1924, by a resolution of the Reparation Commission.

The secretary general, S. A. Armitage-Smith, is the only commission official whose status has not been considerably modified. The secretary general is British by virtue of an understanding reached between the British and French Governments on December 13, 1919, under which the British delegate agreed to support the candidacy of the French delegate for president of the commission on condition that the secretary general be British.[2] The French delegate remains president of the commission and the assistant French delegate presides over the permanent managing

[1] *Le Temps*, November 13, 1924, p. 6.

[2] *Journal officiel*, Chambre des Députés, August 24, 1924, p. 3045. The British delegate regularly nominated the French delegate for president.

committee. The president has a casting vote in case of a tie, which used to occur fairly often owing to the fact that the commission lacked the American member it was originally planned to contain.

It is interesting to note that since the Reparation Commission has become a reduced and routine body, the American representation in or near it has doubled. An official "unofficial observer" has continuously sat with the commission and continues to do so in the person of James A. Logan, Jr., who has credentials from the Department of State. The London conference revised the treaty of Versailles once more[1] and provided for an American to be an official member of the commission. Thomas Nelson Perkins, upon whom the choice fell, has no credentials from the Department of State, but casts a regular vote in the commission.

In addition to a new member in Mr. Perkins, the only increase in the activities of the commission is in its establishment of the important Deliveries in Kind Committee of eight members. This committee is contemplated by the Experts' Report (Sec. XI, *Reparation*, Pt. V, p. 386) and was provided for in the Allied-German agreement of August 30 (clause 3, p. 254). It consists of four German members and four appointed by the Reparation Commission. This committee was organized with four members instead of three on each side. The appointees of the Reparation Commission are Sir Thomas Urwick, British, M. Bemelmans, Belgian, M. Aron, French, and Commander Laviosa, Italian. The Reparation Commission denied the application of Japan, the Serb-Croat-Slovene State, Rumania, and Greece, to be represented on the committee, but provided that they should have special facilities for making their opinions heard. The committee met first on November 6, 1924, and almost immediately encountered a difficulty which required the cooptation of an additional member of neutral nationality to solve. The additional member is Marcus Wallenberg of Sweden. The question at issue is whether the committee is to transmit through the plan system ordinary commercial orders for commodities as well as orders chargeable as deliveries in kind.

The Reparation Commission will evidently have only a modest place in the history of reparation, so long as the Experts' Plan

[1]For revisions see *Reparation*, Pt. III, 177 and 178 and p. 262–63, *supra*.

works. Its legal position in the scheme remains unimpaired and there are numerous matters that it must decide formally, including the all-important one of canceling German evidences of reparation indebtedness. But the plan system provides the facts, and the commission's functions are now rather those of establishing the record than of producing the record.

## Organization Under the Plan

With a Reparation Commission actually consisting of assistant delegates and a clerical staff, there may be presented for comparison the organization of the plan system. Technically, the plan organization is subordinate to, and its officials in great part are appointed by, the Reparation Commission, but most of the officials carry out duties under agreements between the interested parties so that the subordination is more apparent than real. The organization officials are:

Agent General for Reparation Payments (Generalagent für Reparationszahlungen), appointed by the Reparation Commission (*Report*,[1] p. 394), coordinating agent between the commission and the plan commissioners (p. 393), member and chairman of the Transfer Committee (p. 468), receiver of payments from Germany (p. 387). Owen D. Young was agent general until November 1, 1924, at which time he was succeeded by Seymour Parker Gilbert, Jr. The salary is fixed at 190,000 gold marks per year. The secretary general of the office is M. Denis, Belgian.

Transfer Committee (Übertragungskomitee), (*Report*, Annex 6) consisting of the Agent General for Reparation Payments as chairman, and five members appointed by the Reparation Commission after consultation with the non-German members of the General Board of the Reichsbank. The committee receives moneys from the agent general, applies bank balances for payments for deliveries in kind, converts bank balances into foreign currencies or invests them, transmitting the proceeds to the Reparation Commission. The committee does not sit continuously. Salaries are at 1500 gold marks per month, traveling and maintenance expenses on duty additional. The five foreign

[1]References are to the Report of the Experts published in *Reparation*, Pt. V.

members, appointed by the Reparation Commission on October 12, 1924, are: Joseph E. Sterrett, American; Henry Bell, British; Jean Parmentier, French; Pasquale Janaccone, Italian; Albert E. Janssen, Belgian. The Japanese, Serb-Croat-Slovenes, Rumanians and Greeks were denied representation.

Reichsbank (*Report*, Annex 1, p. 420, and *Reichsgesetzblatt*, August 30, 1924, p. 235). The German president of the bank, Herr Schacht, is chairman of the German Managing Board and the mixed General Board. The General Board consists of 14 members, of whom seven are British, French, Italian, Belgian, American,[1] Dutch and Swiss banking experts. The members of the German Managing Board are appointed by the president with the approval of three-fifths of the General Board, including six foreign members. The Bank Commissioner, M. Brujins, Dutch, a member of the General Board, has the duty "to enforce the provisions of the law and the statutory regulations relative to the issue of notes and the maintenance of the bank's reserves which guaranty that issue." He is the chief non-German official, with salary at 80,000 gold marks per year and 15,000 annual allowance. An Organization Committee of five prepared the German law establishing the Bank.

German Reich Railroad Company (Deutsche Reichsbahn-Gesellschaft) (*Report*, p. 380, Annex 4, p. 458, *Reichsgesetzblatt*, August 30, 1924, p. 272). This 26,000,000,000 gold mark corporation holds the former state railroads. Of its capital 11,000,000,000 gold marks is a reparation asset. There is a Trustee of Railroad Bonds, Léon Delacroix, Belgian, salary 75,000 gold marks. The most important official is the Railroad Commissioner, G. Leverve, French, salary 80,000 gold marks and 25,000 allowance, whose duties are those of inspection, with a right to receive all reports on operation and finance and all proposals for changes in tariff, etc. If the bond service is in jeopardy, he has powers appropriate to the circumstances. The Board of Directors consists of 18 men, nine appointed by the German Government and nine by the Trustee of Railroad Bonds. The General Manager, Herr Oeser, is elected by this board. An Organization Committee of five prepared the German law establishing the company.

[1]The American member is Gates W. McGarrah of New York.

Industrial debentures (Industrie-Obligationen) (*Report*, p. 382, Annex 5, p. 466, Reichsgesetzblatt, August 30, 1924, p. 257). The German Government has provided 5,000,000,000 gold marks of debentures of industrial concerns, guaranteed by itself, toward reparation. These are in the hands of the Trustee of Industrial Debentures, M. Nogara, Italian, salary 75,000 gold marks. For managing the issue the German law establishes the Bank for German Industrial Obligations which has a German Board of Directors and a Council of Inspection. The latter consists of 15 members, the German president included. Of the 14 others four are appointed by the non-German members of the General Board of the Reichsbank, three by the Reparation Commission[1] and seven by the German Government, three of these representing the Government and four coming from the officers of affected industries or their shareholders. An Organization Committee of five members prepared the German law on the subject.

Controlled revenues (kontrollierte Einnahmen) (*Report*, p. 388, 403, 410–19, Protocol of August 8, 1924, Chap. III, p. 242). The control extends over the revenues from tobacco, alcohol, sugar, beer and customs taxes. The Commissioner of Controlled Revenues, Sir Andrew MacFadyean, former secretary general of the Reparation Commission, receives 80,000 gold marks per year. He is an appointee of the Reparation Commission as from October 1, 1924, and has under him a subcommissioner for each of the five controlled revenues. During the first two years Germany makes no budgetary payments, so that the controlled revenue income is simply reported. Beginning with the third year, one-tenth of the annual estimated receipts will be paid to the commissioner, who will remit five-sixtieths to the agent general, retaining one-sixtieth to form a reserve fund eventually to amount to 100,000,000 gold marks, after which the payments drop to one-twelfth of the annuity monthly. The commissioner will have extensive powers in case the payments are not forthcoming according to schedule. There is to be an Advisory Committee of five, one each of American, French, British, Italian and Belgian nationality.

Prosperity Index Committee (Komitee zum Wohlstandindex)

[1]The appointees are M. de Peyster, French, M. Frérichs, Belgian, and Mr. Dudley-Ward, British.

(*Report*, p. 372, 434; Protocol of August 8, 1924, Chap. II, p. 240). This committee will not come into existence until it is necessary to determine the supplementary budget payment for the sixth plan year, 1929–30. It will consist of four members, two appointed by Germany and two by the Reparation Commission.

### Steps toward Operation—Ruhr Retirement

Annex III to the London final protocol, being the Allied-German agreement of August 30, 1924, contains in Arts. 3 to 5, what amounts to a time-table of the entrance of the Experts' Plan into operation. This was conditioned upon the realization of the five points of the Reparation Commission's decision of July 15, which were repeated in Art. 1 of the Allied-German agreement. The detailed provisions for bringing the plan into full operation as given in Arts. 3 to 5 of the agreement, which are here reprinted with annotations, indicate when the various steps were actually taken:

Art. 3. (1.) Every effort shall be made to bring the Experts' Plan into full operation not later than October 22, 1924.

(2.) On September 2, 1924,[1] at the latest, the Reparation Commission ought to be in a position to announce that the German laws necessary for the working of the plan have been promulgated in the terms approved by it, and also that the Agent General for Reparation Payments has taken up his duties.

(3.) Within five weeks (35 days) from the date of this first announcement (*i.e.*, not later than October 7,[2] 1924), the commission should be in a position to announce that the other measures prescribed in its decision of July 15, 1924, mentioned in Art. 1, have been fulfilled.

The Reparation Commission shall have power if necessary to advance these dates if circumstances permit, or to postpone them so far as may be deemed indispensable for the complete fulfilment of the above provisions.

The French and Belgian Governments undertake to fulfil within a fortnight after the date of the second announcement (*i.e.*, by October 22,[3] 1924), the program laid down in Art. 1 for the restoration of Ger-

[1]The announcement was made on September 1 (*Le Temps*, September 3, p. 1).

[2]In accordance with a letter of the Agent General dated October 3, the date was postponed to October 13, in order to give time for the proper completion of the loan negotiations. The Commission's decision to postpone the date was taken on October 10.

[3]The date was advanced to October 28, as a result of the postponement of the second announcement. An ordinance of the Interallied Rhineland High Com-

many's fiscal and economic unity. They will notify the Reparation Commission of such fulfilment. The decision that the program has been fully executed will be taken by the Reparation Commission.

ART. 4. (*a.*) As soon as the first announcement referred to in Art. 3 (2) has been made (*i.e.*, on September 2, 1924), and during the transition period between the first and second announcements (*i.e.*, between September 2 and October 7, 1924), without waiting for the complete execution of the measures prescribed by the Reparation Commission in its decision of July 15, 1924, the French and Belgian Governments, being desirous of restoring in a large measure Germany's fiscal and economic unity as soon as possible, will take the following steps:

Eight days after the first announcement (*i.e.*, September 10,[1] 1924). the levy of duties on the eastern customs line (*i.e.*, the customs barrier between occupied and unoccupied Germany) will cease.

Twenty days after the first announcement (September 22),[2] and earlier if possible, the allied authorities will reduce as far as possible the restrictions imposed since January 11, 1923, on the movements of persons, goods and vehicles, especially between occupied and unoccupied Germany. Within the same period the French and Belgian Governments will have abolished the said eastern customs line and will apply solely the legislation and tariffs in force in unoccupied Germany to collections and charges of all kinds levied by them in the occupied territories, as well as to the régime for external trade, except so far as concerns the Franco-Belgian Railway Régie, which will continue to apply its own tariffs.

(*b.*) The aforesaid Governments will continue to levy the collections and charges thus adjusted, but will hand over to the Agent General for Reparation Payments the receipts accruing to them after the first announcement (September 2, 1924), from the application of the new régime, including the net profits from the Franco-Belgian Railway Régie, but less the monthly deduction of a lump sum of 2 million gold marks to cover the cost of collection during the transition period.

(*c.*) On its side the German Government will pay over to the Agent General for Reparation Payments during the transition period such monthly instalments as, added to the receipts above provided for, shall place at his disposal each month an amount equal to one-twelfth of the first annuity under the Experts' Plan, less the estimated receipts during the month from the operation of the British Reparation Recovery Act or corresponding measures which may be adopted by the other Allied

mission laid down the conditions of the restoration (*Le Temps*, October 22, p. 6). The Reparation Commission's decision was taken on October 28.

[1]The barrier was lifted on September 9 (*Le Temps*, September 5, p. 4).

[2]The ordinances removing restrictions were effective on September 21 (*Le Temps*, September 19 and 23).

Governments and the paper marks supplied to the armies of occupation. It is understood that the monthly burden to fall upon Germany during the transition period shall be one-twelfth of the first annuity of the global payment incumbent on Germany, as such global payment is defined in Sec. XI of the Experts' Plan; to such monthly burden is to be added each month during the transition period the 2 millions of gold marks mentioned above.

(*d.*) Payments toward the above-mentioned monthly sums will be made every ten days.

The first payment by Germany will take place on the date of the first announcement (September 2, 1924).

The first payment by the French and Belgian Governments will be made ten days later (September 12, 1924).

The first and second payments by Germany will amount to 20 million gold marks each. The third payment will consist of the balance of the payment to be made by Germany during the first month.[1]

The subsequent payments by Germany shall be fixed by the Agent General for Reparation Payments and shall be such as to place at the disposal of the Agent General during each period of ten days one-third of the monthly instalment stipulated above, taking into account the payments made by the French and Belgian Governments and the receipts from the Reparation Recovery Acts, etc.

The payments by the French and Belgian Governments will only fall due in so far as the German Government has on its part effected its payments.

(*e.*) With the resources thus placed at his disposal the Agent General for Reparation Payments shall provide for the payment of reparation and other treaty charges during the transition period, in conformity with the decisions as to distribution which will be taken by the Allied and Associated Governments.

In particular he shall place at the disposal of the interested Governments the sums necessary

(1.) To insure the complete financing of all agreements concerning deliveries in kind continued or entered into by them or by their representatives during the transition period, including the cost of the transport of the said deliveries, as provided by the treaty of Versailles;

(2.) To cover the working expenses of mines and cokeries under allied management, including the cost of transport to the frontiers.

As a consequence of the above provisions and in order that the period during which German payments are made at the rate prescribed for the

[1]The payment was 14,300,000 gold marks (*Le Temps*, October 2, p. 1).

first annuity shall not exceed one year, the period corresponding to the first annuity in the Experts' Plan will be reduced by a period equal to that of the transition period, and the second annuity will begin immediately thereafter (*i.e.*, September 2,[1] 1925).

Art. 5. Upon the second announcement (October 7,[2] 1924), the railway system of the Reich will be transferred to the new company contemplated by the Experts' Plan. As from that date the operation of all the lines now worked by the Deutsche Reichsbahn will pass to the said company. As from a fortnight after the second announcement (October 22,[3] 1924), the lines now operated by the Régie will be worked on account of the company under the control of the Railway Organization Committee.

As soon as the present agreement has been signed, the Organization Committee will place itself in communication with the Régie in order to arrange the details of the transfer. The actual transfer from the Régie to the company will be made step by step under the control of the Organization Committee with as little delay as is compatible with an orderly transfer. It shall be completed within a period of six weeks (by December 7,[4] 1924), the Organization Committee, however, having authority to grant extensions of time for the arrangement of details.

## Legal and Arbitral Features

In dealing with the operation of the plan system, the first impression is that commercial and financial practice have been followed. This is far more important than the mere production of reparation. International agreements for monetary payments have heretofore depended upon good faith or international sanctions for their fulfilment. The German laws for carrying the plan into effect apply business methods and give them an international status. Probably the most far-reaching provision from this point of view is the declaration in the Industrial Burden Law that "this obligation is secured by a first mortgage in international law (an international obligation)." The Law on the Reich Railroad Company says the same thing in different language.[5] The effect is to bring 16,000,000,000 gold marks of essentially government securities, to which all normal economic rules apply, under the rules of international law. Heretofore bond issues have had no specific recognition in international law.

[1]To be September 1, 1925. [2]October 13. [3]October 28.

[4]November 15–16. For formal letters exchanged see *Le Temps*, November 17, p. 4.

[5]*Reichsgesetzblatt*, August 30, 1924, p. 257 (§1) and p. 272 (§4).

One of the surest buttresses of the system is the universal application of arbitration to all differences respecting the agreements. It is unlikely that any dispute of consequence will be brought to arbitration. The very necessity of providing for that method of settling differences arose from the conviction that reparation must be eliminated from political relations and remitted to the economic field, where it belonged. That conviction enabled the negotiators of all the agreements, starting with the formulation of the Experts' Report, to face every possibility squarely and honestly and to try and solve it. The differences that are likely to arise are the inevitable ones regarding interpretation of the documents, including their applicability to new or unforeseen circumstances. New and complementary agreements are more to be looked for than active arbitration.

Nevertheless, the operation of the system will undoubtedly bring resort to arbitration, enabling every one concerned to deal with texts clearly defined. Moreover, the Reparation Commission's agreement with the German Government to arbitrate, and the designation of an American as the arbitrator, together with the addition of an American arbitrating member to the Reparation Commission for its deliberations "on any point relating to the report," changes the whole character of the reparation question. This reorganization of the commission makes that body nearly what it was intended to be at the start, with a neutral (American) element in it.

Provision for arbitration in the system is made in the following cases:

1. Between the Reparation Commission and the German Government for interpretation of the agreement of August 9, 1924, its schedules, the Experts' Plan, or German legislation in execution of the plan by three arbitrators, one representing each, the third jointly chosen (Agreement, III, b, p. 238);

2. The committee to decide the details of the index for computing the supplementary budgetary contributions from 1929–30 on is to consist of two German and two Reparation Commission members. In case they fail to agree, or a controversy develops, the Financial Committee of the League of Nations will be requested to appoint a president (Protocol concerning contributions, August 8, Chap. II, 8, p. 242);

3. Any difference between the Commissioner of Controlled Revenues and the German Government shall be arbitrated (*ibid.*, Chap. III, 14, p. 249);

4. The Transfer Committee is free to arrange for payments by deliveries in kind as a method of remitting credits. In default of agreement between the Reparation Commission and the German Government upon the programs, arbitration is to take place by a board in which each is represented by one member and the third, an American, chosen jointly. (Allied-German agreement concerning agreement of August 9, 2, d, i, p. 252);

5. The management of orders for deliveries in kind is intrusted to a special committee of three allied and three German representatives, with power—which it has exercised—to coopt a neutral additional member (*ibid.*, 3, p. 254);

6. Differences between the Transfer Committee and the German Government are referable to a single arbitrator, chosen by agreement (*ibid.*, 4, p. 254);

7. The Transfer Committee consists of six members. If it is equally divided as to the question of German "concerted financial maneuvers . . . for the purpose of preventing such transfers"[1], a financial expert selected by the committee shall decide between them (*ibid.*, 5, par. 1, p. 255);

8. If the Transfer Committee has decided by a majority that financial defeatist maneuvers have not taken place when the funds have accumulated to 5,000,000,000 gold marks, the minority may appeal to an arbitral tribunal of three experts, the chairman being American (*ibid.*, 5, par. 3, p. 255);

9. Any interested Government (Allied or German) may propose an improvement in the plan, which proposal shall be examined by the chief officials under the plan. If the Reparation Commission accepts their reeommendation unanimously. Germany shall be invited to accept its decision. If the commission is not unanimous or Germany does not accept the decision, any interested party may submit the question to three experts chosen by agreement between the Reparation Commission and the German Government (*ibid.*, 6, par. 4, p. 256);

10. German-Allied commissions of arbitration[2] are established

[1]*Report*, Annex No. 6, VIII, *Reparation*, Pt. V, p. 469.

[2]On these committees see *Le Temps*, December 7, 1924, p. 2

by the Governments concerned to decide any disputes between allied merchants and the German authorities owing to the change of régime in the Ruhr (Allied-German agreement, August 30, Art. 8, p. 260);

11. All disputes respecting German steps to bring the Experts' Plan into force, allied restoration of the fiscal and economic unity of Germany in accordance with the plan and the stages of operation of the plan, if not settled by negotiation, shall be submitted to the Permanent Court of International Justice (*ibid.*, Art. 9, p. 260);

12. Failure of the Reparation Commission to agree upon the American to sit with it shall be overcome by reference to the president of the Permanent Court of International Justice (treaty of Versailles, Part VIII, Annex II, 2a, revision by interallied agreement, August 30, Art. 1, p. 262);

13. If the Reparation Commission should declare Germany in default by majority vote, any member of the commission participating in the vote may appeal to an arbitral committee appointed in advance for five years by unanimous decision of the commission. The president of the arbitral committee is to be American (*ibid.*, Art. 1, revising Versailles, Part VIII, Annex II, 16a, p. 262);

14. Sanctions in case of German default are to be imposed only when within the meaning of the Experts' Plan and the interallied agreement of August 30. Any disputes between Allied Governments on this question, if not settled by negotiation, shall be submitted to the Permanent Court of International Justice (*ibid.*, Arts. 2 and 4, p. 263);

15. Any dispute over security for the service of the German 1924 external gold loan, safeguarding of that security in case of sanctions, its absolute priority as regards German resources and resources arising from sanctions taken—in so far as these questions arise between Allied Governments—shall, if not settled by negotiation, be submitted to the Permanent Court of International Justice (*ibid.*, Arts. 3 and 4, p. 263);

16. Any difference in the Reparation Commission itself or between the Allied states as to interpreting the finance agreement of January 14, 1925, or action under it shall be referred to a single arbitrator selected unanimously by the commission (Finance agreement, Art. 26, par. 1, p. 290);

17. Any difference with the United States under that agreement shall be referred to an arbitrator agreed upon between the United States and Reparation Commission acting unanimously (*ibid.*, Art. 26, par. 2, p. 291);

18. Any dispute between the German Government or the Bank for German Industrial Obligations on the one side and the Reparation Commission or the trustee on the other shall be submitted to a single arbitrator, appointed in advance for five years. He may assoeiate with himself two other arbitrators (Industrial Burden Law, § 69, *Reichsgesetzblatt*, August 30, 1924, p. 268);

19. Differences between the Reparation Commission or representatives of Allied Governments or the trustee or the railroad commissioner on the one side and the German Government and the German Railroad Company or both on the other, or between the Government and company shall be submitted to an arbitrator named by the president of the Permanent Court of International Justice (German Railroad Law, § 45). A special German court is also set up for disputes between the Government and the company (*ibid.*, § 44, *Reichsgesetzblatt*, August 30, 1924, p. 279).

In all instances where arbitrators are to be selected by designated bodies or persons, except the cooptation under No. 5, the selection is to be made by the president of the Permanent Court of International Justice if the method provided fails to yield a choice.

### Reparation Recovery Act Adjustment

The only difficulty encountered in putting the plan into operation has arisen in connection with the reparation recovery acts. These acts were passed by creditor states in 1921, and the British one has been operated continuously, yielding reparation payments of some consequence. The principle of the acts is that the allied importer of German merchandise pays into his own Government a fraction of its value,[1] the German exporter looking to his own Government for reimbursement. The principle was recognized in the Schedule of Payments of May 5, 1921, Art. 9, by the Dawes Report and other essential documents.

On November 14, 1924, the Agent General for Reparation Payments addressed the following notice to the German finance minister:

[1]The standard deduction is 26%.

. . . I have the honor to inform you that the Agent General for Reparation Payments will not credit the German Government on account of the annuity with any sums which may be paid to exporters, in reimbursement of deductions made from their invoices on and after December 1, 1924, because of any reparation recovery acts.

Any sums that may be required for the foregoing purpose will be paid only by the agent general if, and to the extent, authorized by the Transfer Committee.

The Transfer Committee at its meeting on October 31, 1924, authorized the agent general to make payments under the reparation recovery acts until further action by the committee.

In September, 1924, Great Britain secured 11,236,000 gold marks under her act, out of total German payments of 83,510,000. In October, payments under the British act amounted to 18,520,000 gold marks, nearly 21% of the total German payments of 86,203,000. France brought her reparation recovery act into effect on October 1, 1924, and in that month received 501,000 gold marks under it. Inasmuch as the whole plan, so far as the creditors are concerned, depends upon the ability of the Transfer Committee successfully to transfer German payments across the barrier of exchange, it seemed clear to the plan officials that such considerable payments would sooner or later present a problem. The German Government was interested in at least simplifying this method of indirect and uncertain taxation, while it had a right under the plan to claim exclusive dealings with the agent general, on whose receipt of a payment Germany's obligation ceases. When France put its act into operation Germany stated that the general application of the acts would have the effect of making this "tax a payment of uncontrolled values with all the unfavorable results this would have on the German financial balance and, in consequence, upon German exchange."[1]

The fall of 1924 witnessed active negotiations of treaties of commerce and navigation on a normal basis with the German Government, in view of the coming expiration on January 10, 1925, of Arts. 272–274 of the treaty of Versailles. The British Government completed its treaty with Germany on December 2, 1924.[2] Annexed to that treaty is a letter of Sir Otto E. Niemeyer

[1]For correspondence of September 26–29, 1924, see *Le Temps*, October 3, 1924, p. 6.

[2]Germany, No. 1, 1925, Cmd. 3245.

to Herr von Schubert, dated November 28, in which it is stated that "the British have no desire to retain the act for its own sake." The difficulty in adopting any other procedure was due to the fact that the reparation recovery act had a recognized position in the scheme of reparation payments; a system of deliveries in kind in substitution for it, in the British view, must be considered as payments under the reparation recovery act, so as to insure its position in the general scheme. Receipts under the recovery act are exempt from the charge for Belgian priority and for United States army of occupation costs. An alternative procedure would have to extend those privileges to receipts under it. The British Government was willing to use its good offices to secure the consent of the agent general and the Transfer Committee to an alternative procedure under those circumstances.

As between the British and German Governments, the matter was settled by an agreement signed at Berlin on April 3, 1925, suspending the recovery act and providing for equivalent payments by Germany. The system entered into force on May 1, 1925, and involves the turning over to the Reichsbank of 30% of the invoiced value of exports by not less than 800 of the principal German exporting firms doing business with Great Britain. Out of the sums thus surrendered, the Reichsbank will deposit each month to the account of the agent general at the Bank of England, an amount in sterling equivalent to the Reichsmark credit available for payments under the recovery act, the German exporters being reimbursed by the Agent General for Reparation Payments. Any surplus sterling will be surrendered monthly to the Devisenbeschaffungsstelle G. m. b. H. (the agency through which the German Government obtains its foreign currencies) to be placed in a special reserve fund amounting to 10,000,000 Reichsmarks.[1] An Order in Council of April 8 suspended the reparation recovery act as from April 10.

## The External Loan

The Experts' Plan provided for the German external loan, which had been the fundamental point of all German proposals for reparation settlement since their Observations on the Con-

[1]Agreement between Great Britain and Germany for amending the method of administering "the German Reparation (Recovery) Act, 1921," Great Britain, Treaty Series No. 20 (1925). Cmd. 2384.

ditions of Peace were addressed to the president of the Paris Peace Conference on June 16, 1919.[1] The experts defined the loan "as an integral part of our scheme," and specified that its principal uses were "for the successful establishment of the new bank and to insure the stabilization of the currency."[2]

Since this loan was to be placed upon the financial markets, the representatives of the banking syndicates which would be called upon to sell it to the public were present at London during the conference. An incident that seemed very critical to French observers in Paris occurred on that account. The French public followed the proceedings of the London conference with an eye single to the priority and amount of their claims. The banking experts at London, having been consulted upon the question of floating the loan, insisted upon it having a first priority on the receipts. The Nationalist French press argued that such insistence placed the investing public in a more favorable position than France, the principal reparation creditor. The original banking judgment came from the Americans and British, and it was not until the French bankers went to London and joined their colleagues that the way was opened for the proper protection of the investor. The conference passed a resolution embodying its decision on August 16 in the following terms:[3]

> It is agreed that the putting into execution of the Dawes scheme and the arrangements for that purpose embodied in the present agreement depend on the issue of a loan of 800,000,000 gold marks for the purposes of the plan, and are conditional on the said issue.
>
> The Allied Governments, desiring that this loan should be successfully raised, and contemplating that the loan will be a first lien on the security pledged thereto, will invite the central banks in their respective countries to use their good offices to facilitate the placing of the loan.

The Reparation Commission in preparation for the loan passed a resolution on October 13, 1924, declaring its services superior in priority to every other charge on the assets and revenues of Germany and German states, German controlled revenues and all receipts of the Reparation Commission. At the same time, Seymour Parker Gilbert, Jr., the Agent General for Reparation

[1]International Conciliation, No. 143, p. 116. [2]*Reparation*, Pt. V, p. 391.
[3]*Proceedings*, p. 320.

Payments, Nelson D. Jay and C. E. ter Meulen were appointed trustees for the bondholders of the loan.[1]

The conclusion of the contracts for the loan was the fifth and last condition laid down by the Reparation Commission in its decision of July 15 for declaring the Experts' Plan in operation. The loan itself was dated October 15, 1924. The bonds were issued on all available financial markets, and in one instance were over-subscribed more than 100 times. The loan is in the form of 7% gold coupon bonds, in denominations of $1,000, $500 and $100, and corresponding amounts in sterling, Swedish crowns and Italian lire. The sinking fund provides for the complete extinction of the loan by October 15, 1949, amounting annually to 1/25th of the issue, redemption being by lot at 105% and accrued interest. The annual service of interest and amortization chargeable to the plan will not exceed about 91,500,000 gold marks. The loan was issued at 92 on eight markets, in which the offerings taken and their equivalent in Reichsmarks were as follows:[2]

| | | Reichsmarks |
|---|---|---|
| New York | $110,000,000 | 461,780,000 |
| London | £12,000,000 | 245,148,000 |
| Paris | 3,000,000 | 61,287,000 |
| Zurich | 3,000,000 | 61,287,000 |
| Amsterdam | 2,500,000 | 51,072,500 |
| Brussels | 1,500,000 | 30,643,500 |
| Stockholm | Kr. 25,200,000 | 28,350,000 |
| Rome | Lire 100,000,000 | 20,429,000 |
| Total | | 959,997,000 |

After meeting all expenses and accounting for exchange variations, the German Government received 805,418,950 gold marks from the loan. At the end of March, 1925, it was officially stated that the total national debt of Germany at the end of 1924 amounted to 2,724,349,198 gold marks, omitting the newly valorized paper mark loans. Of the total stated, 944,100,200 marks represented the reparation external loan.[3]

[1] *Le Temps*, October 15, 1924, p. 1, and October 14, 1924, p. 6.

[2] National City Bank, *Economic Conditions*, etc., January, 1925, p. 19.

[3] New York *Times*, March 30, 1925. The paper mark debts amounted on December 31, 1924, to 1,203,457,250,000 marks. Currency issued previous to August 30, 1924, is redeemable at one German billion paper marks to one Reichsmark.

The sinking fund provision reduces the burden of the loan each year. The first year's indicated charge to the German treasury is 67,200,000 marks for interest and a sinking fund of 38,400,000, increased by 5%, or 1,920,000, giving a total treasury charge for the year ending October 15, 1924, of 107,520,000. In the second year, the interest charge on outstanding bonds would amount to 64,512,000, with the sinking fund redemption 40,320,000, as before, making a total cost of 104,832,000. The interest charge saved on the annual sinking fund redemption is 2,688,000 gold marks. It will be a matter of six years before the whole sum required for interest service and amortization falls within 91,500,000 gold marks, which is the maximum loan charge against the Experts' Plan. It is understood that the difference will be a direct charge on the German budget. It was decided by the financial experts at Paris that the loan charge against the Experts' Plan[1] will be made at the rate of 91,000,000, 90,000,000, 89,000,000, and 88,000,000 gold marks for the first four years, but that the charge in the first year of the plan, owing to the incidence of due dates, is 80,000,000.

"The proceeds of the loan are deposited in the Reichsbank to the credit of a special account in Reichsmarks in the name of the Reichsbank and under the control of the agent general. The agent general has the sole power of drawing on this account and makes transfers of the requisite amounts from time to time to his regular disbursing account, the German Government being credited on the annuity with the gold-mark value of the Reichsmarks thus transferred, on the date of transfer."[2]

## Industrial Debentures

The organization for handling the industrial debenture bonds early met the complications of modern commercial affairs. The first step in producing the 5,000,000,000 gold marks of debenture bonds called for by the plan, was the passage of the German law of August 30, 1924, providing for a form of capital levy upon the industries called upon to contribute.[3] That law imposes the obli-

[1] *L'Europe nouvelle*, January 24, 1925, p. 119.

[2] Agent General, press communiqué, no. 6.

[3] The Organization Commission consisted of Herr Trendelbenberg, secretary of state in the ministry of public economy, as the German Government representa-

gation of contribution upon "industrial and commercial enterprises, including mining concerns, shipping undertakings, private railroads, narrow gauge and street railways." The obligation assumed involves the meeting of both interest and sinking fund. The whole amount is prorated among various industries, of which the principal percentages are:

| | |
|---|---|
| Heavy industry[1] (mining, iron and steel) . . . . . | 20% |
| Machine and electric industry . . . . . | 17% |
| Chemical industry . . . . . | 8% |
| Textile industry . . . . . | 7% |

For the purpose of collecting and marketing the contributions of the companies there has been organized the Bank für deutsche Industrie-Obligationen, with a capital of 10,000,000 gold marks and with offices in Berlin. This bank deals with the German Government and the German industries on the one side and with the trustee of industrial debentures and the Reparation Commission on the other. In case of dispute between them, an arbitrator is provided for. Under the law he has been designated in the person of Marcus Wallenberg, the Swedish banker.

The remission of the whole quantity of bonds on February 28, 1925, was reported to the Reparation Commission by M. Nogara, trustee, in a telegram which reads as follows:[2]

The Trustee for German Industrial Obligations and the Bank for German Industrial Obligations have received, jointly on deposit, under today's date, February 28, the 5,000,000,000 gold marks 5% bonds in their names issued by the industrial enterprises, in conformity with the provisions of the Dawes Plan. At the same time, the bank, also in execution of the Dawes Plan, proceeded to the issuance of 5,000,000,000 gold marks 5% industrial bearer bonds, transmitting 4,250,000,000 of these bonds to the trustee, and retaining on deposit the remainder of $750,000,000, which will be used for the subsequent operations contemplated by the Dawes Plan.

tive, and Herr Bucher, privy counsellor, as the representative of German industry, Albert Descamps, manager of the Banque générale du Nord and president of the Lille Chamber of Commerce, and Dr. Alberto Pirelli, manufacturer, for the Reparation Commission, with Marcus Wallenberg of Sweden as the fifth member.

[1]The Siemens and Halske heavy industries, in financial advertisements in the United States, have stated that their annual charges will not exceed a maximum of $941,000.

[2]*Le Temps*, March 4, 1925, p. 1.

To complete the total amount of 5,000,000,000 gold marks, which constitutes the total amount of the contribution of German industries in payment of reparation, the bank forthwith proceeded to the exchange of 750,000,000 gold marks of the obligations of the great industrial enterprises, issued in its name, against a like amount of 5% bearer obligations of the same enterprises, and will remit the latter to the trustee.

The protocol relative to these operations has been signed by a representative of the German Government, a representative of the debt administration of the Reich, the trustee and the president of the Board of Directors of the Bank, M. Krupp von Bohlen und Halbach. As a result of the signing of this protocol, all of the engagements of Germany up to February 28, 1925, with regard to industrial obligations are completely fulfilled.

## Bank and Railroad Company

Both the German Railroad Company and the Reichsbank were fully provided for in annexes to the Experts' Report, though numerous technical details remained to be solved. In neither case were the difficulties other than professional.

The Reichsbank was organized under a German law of August 30, 1924,[1] which had been worked out by the Organization Committee. The Reparation Commission on April 30, 1924, appointed Sir Robert M. Kindersley, G.B.E., president of Lazard Brothers, Ltd., director of the Bank of England, governor of the Hudson's Bay Company and president of the National Savings Committee, as its member of that committee. Herr Schacht, president of the Reichsbank, represented Germany.[2]

In accordance with the provisions of the plan, a law on private banks of issue, establishing the position of certain institutions within the Reich, was passed at the same time as the Reichsbank law. These additional banks of issue are the Bavarian Bank of Issue of Munich, the Saxon Bank of Dresden, the Württemberg Bank of Issue of Stuttgart and the Baden Bank of Karlsruhe. The law provides that the German Government may after January 1, 1935, modify the privileges of these banks.[3]

Another banking law provided for the liquidation of the gold discount bank in accordance with the stipulations laid down

[1] *Reichsgesetzblatt*, August 30, 1924, p. 235. [2] *Le Temps*, May 5, 1924, p. 4.
[3] *Reichsgesetzblatt*, August 30, 1924, p. 246.

in the Experts' Report. This Rentenbank has been merged into the Reichsbank by an exchange of shares, while the Rentenmarks which had been issued are gradually being withdrawn from circulation at par.[1]

A fourth fiscal law established the present Reichsmark currency, which has remained notably stable and very close to par since its appearance.[2]

Since its operation, the Reichsbank has steadily acquired gold as cover for the currency.

The German Railroad Company was organized under the German law of August 30, 1924, in accordance with the plan of the organization committee, which consisted of Herr Bergman, former minister, and Herr Vogt, secretary of state in the railroad ministry, on the part of the Germans, and Sir William A. Acworth and G. Leverve on the part of the Reparation Commission. The company operates 33,000 miles of line, and is capitalized at 26,000,000,000 gold marks, against which there is 11,000,000,000 gold marks of a reparation issue. The law says the company will cease to operate on December 31, 1964, or 41⅓ years after its establishment. During the first reparation year the company pays into the agent general, 200,000,000 gold marks. The first semi-annual payment was made on February 28. In the second and third years, the payments rise to 500,000,000 gold marks. In the fourth year, 1927–1928, and thereafter, the payment will be 660,000,000 gold marks, being 5% interest on the reparation issue and 1% sinking fund, amortizing in a little more than 37 years. M. Leverve is the trustee of the bonds on behalf of the plan.

The Board of Directors of the company met first on September 27, 1924, and elected Karl Friedrich von Siemens, president; Secretary of State Stieler, first vice president; and Sir William A. Acworth, second vice president. Herr Oeser was elected general manager for three years. The permanent committee, six members of the board, is composed of Messrs. von Siemens, Stieler, Acworth, Bergman, Fischer and Arnhold.[3]

[1] *Reichsgesetzblatt*, August 30, 1924, p. 252.
[2] *Reichsgesetzblatt*, August 30, 1924, p. 254.
[3] *Le Temps*, September 29, p. 1.

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By MANLEY O. HUDSON
Bemis Professor of International Law
Harvard Law School

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## Boston, Massachusetts

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## STATES WHICH HAVE SIGNED THE PROTOCOL

OF THE

## PERMANENT COURT OF INTERNATIONAL JUSTICE[1]

Albania
Australia
Austria
Belgium
Bolivia
Brazil
British Empire
Bulgaria
Canada
Chile
China
Colombia
Costa Rica
Cuba
Czechoslovakia
Denmark
Dominican Republic
Esthonia
Finland
France
Greece
Haiti
Hungary
India
Italy
Japan
Latvia
Liberia
Lithuania
Luxemburg
Netherlands
New Zealand
Norway
Panama
Paraguay
Persia
Poland
Portugal
Rumania
Salvador
Serb-Croat-Slovene State
Siam
South Africa, Union of
Spain
Sweden
Switzerland
Uruguay
Venezuela

Total: 48

[1]Prior to May 1, 1925.

## STATES WHICH HAVE SIGNED THE OPTIONAL CLAUSE PROVIDING FOR COMPULSORY JURISDICTION, ANNEXED TO THE PROTOCOL OF SIGNATURE[1]

Austria
Brazil
Bulgaria
China
Costa Rica
Denmark
Dominican Republic
Esthonia
Finland
France
Haiti
Latvia
Liberia
Lithuania
Luxemburg
Netherlands
Norway
Panama
Portugal
Salvador
Sweden
Switzerland
Uruguay

Total: 23

[1]Prior to May 1, 1925.

## JUDGES OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE[1]

*Elected September 14–16, 1921, to serve nine years*

| *Judge* | *National of* |
|---|---|
| Rafael ALTAMIRA y Crevea | Spain |
| Dionisio ANZILOTTI | Italy |
| Antonio Sánchez de BUSTAMANTE | Cuba |
| Robert Bannatyne, Viscount FINLAY | Great Britain |
| Hans Max HUBER, President | Switzerland |
| Bernard Cornelis Johannes LODER | Netherlands |
| John Bassett MOORE | United States |
| Didrik Galtrup Gjedde NYHOLM | Denmark |
| Yorozu ODA | Japan |
| Epitacio da Silva PESSÕA[2] | Brazil |
| Charles André WEISS, Vice-President | France |

| *Deputy Judge* | |
|---|---|
| Frederik Valdemar Nikolai BEICHMANN | Norway |
| Mikhailo JOVANOVICH | Serb-Croat-Slovene State |
| Demitrie NEGULESCO | Rumania |
| WANG Ch'ung-hui | China |
| Registrar—M. Åke Hammarskjöld | (Sweden) |

[1]On May 1, 1925.

[2]Elected September 10, 1923, to succeed Ruy Barbosa (d. March 1, 1923).

## DATES IN THE HISTORY OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE

1. February 13, 1920—The Council of the League of Nations set up a Committee of Jurists to draft the Statute of a Court.
2. June 16, 1920—The Committee of Jurists met at The Hague.
3. December 13, 1920—Draft Statute as amended approved by the First Assembly of the League of Nations.
4. December 16, 1920—Statute annexed to a special treaty, called the Protocol of Signature, opened for signature.
5. September 16, 1921—The first election of Judges completed.
6. January 30, 1922—The Court met at The Hague for its preliminary session.
7. March 24, 1922—Rules of Court promulgated.
8. May 12, 1922—The Court opened to all states in the world.
9. June 15, 1922—The Court met at The Hague for its first (ordinary) session, and handed down three advisory opinions.
10. January 8, 1923—The Court met at The Hague for its second (extraordinary) session and handed down a fourth advisory opinion.
11. June 15, 1923—The Court met at The Hague for its third (ordinary) session, and handed down three advisory opinions and one judgment.
12. September 10, 1923—Judge Pessõa of Brazil was elected to fill the vacancy caused by Judge Barbosa's death.
13. November 18, 1923—The Court met at The Hague for its fourth (extraordinary) session, and handed down one advisory opinion.
14. June 16, 1924—The Court met at The Hague for its fifth (ordinary) session, and handed down one advisory opinion and two judgments.
15. January 12, 1925—The Court met at The Hague for its sixth (extraordinary) session, and handed down one advisory opinion and two judgments.
16. April 14, 1925—The Court met at The Hague for its seventh (extraordinary) session.
17. June 15, 1925—The eighth (ordinary) session of the Court.

## AMERICA'S RELATION TO THE COURT

1. February 12, 1920—Mr. Elihu Root was named a member of a Committee of Jurists set up to draft the Statute of the Court.
2. September 14, 1921—Mr. John Bassett Moore was elected a judge of the Court.
3. February 17, 1923—Secretary Hughes addressed a letter to President Harding, recommending that the Senate be asked to advise and consent to the adhesion by the United States to the Protocol of Signature of the Court on four conditions.
4. February 24, 1923—President Harding asked the Senate to advise and consent to the adhesion by the United States to the Protocol of Signature of the Court.
5. Summer of 1923—The American members of the Permanent Court of Arbitration nominated a candidate for judge to succeed Ruy Barbosa.
6. December 6, 1923—President Coolidge, in his message to Congress, commended President Harding's proposal of February 24, 1923, to the favorable consideration of the Senate.
7. June, 1923–June, 1924—Arbitration treaties of the United States with Great Britain, France, Japan, Portugal, Norway, The Netherlands, and Sweden, were renewed with provision for consideration of possible reference of disputes to the Court after adhesion to the Protocol by the United States.
8. December 3, 1924—President Coolidge, in his message to Congress, repeated his recommendation that the United States should adhere to the Court Protocol, adding a condition that this country shall not be bound by advisory opinions of the Court "upon questions which we have not voluntarily submitted for its judgment."
9. March 3, 1925—The House of Representatives, by vote of 302 to 28, passed a resolution expressing cordial approval of the Court, an earnest desire that the United States adhere to the Court Protocol with the reservations recommended by President Harding and President Coolidge, and readiness to participate in enacting legislation made necessary by adhesion.
10. Mareh 13, 1925—The Senate adopted a resolution setting December 17, 1925, as the date for consideration of Mr. Swanson's resolution providing for adhesion to the Court Protocol, with the Harding-Hughes-Coolidge reservations.

# THE WORK OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE DURING ITS FIRST THREE YEARS[1]

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## First Advisory Opinion of the Permanent Court of International Justice.—Nomination of Delegates to the International Labor Conference[2]

**A member of the International Labor Organization is not bound to consult the largest employers' or workers' organization, in selecting its delegates to the International Labor Conference, where other organizations consulted total more members.**

On May 12, 1922, the Council of the League of Nations adopted a resolution requesting the Permanent Court of International Justice to give an advisory opinion on the following question: "Was the Workers' Delegate for the Netherlands at the third session of the International Labor Conference nominated in accordance with the provisions of paragraph 3 of Article 389 of the Treaty of Versailles?" The question came before the Court at its first regular session on June 15, 1922. Briefs were presented to the Court on behalf of the Netherlands Government, the International Labor Office, and the Netherlands General Confederation of Trades Unions. Oral arguments were heard on behalf of the British and Netherlands Governments, the International Federation of Trades Unions, the International Federation of Christian Trades Unions, and the International Labor Office.

[1]Reprinted from articles in the American Bar Association Journal for February, March, April, and December, 1924, and May, 1925.

[2]Reported in Publications of the Permanent Court of International Justice, Series B, No. 1, and Series C, No. 1.

The publications of the Permanent Court of International Justice may be obtained from the World Peace Foundation, 40 Mt. Vernon St., Boston, Mass.

At the third session of the International Labor Conference, held at Geneva from October 25 to November 18, 1921, a protest was made against the acceptance by the Conference of the credentials of the workers' delegate named by the Netherlands Government. At previous sessions of the Conference, the workers' delegate named by the Netherlands Government had been nominated in agreement with the Netherlands Confederation of Trades Unions. But the workers' delegate to the third session in 1921 was nominated in agreement with the Confederation of Catholic Trades Unions, the Confederation of Christian Trades Unions, and the Netherlands General Confederation of Trades Unions, though not in agreement with the Netherlands Confederation of Trades Unions. The last-named organization had a membership of 218,596 trade unionists; the other organizations had a total membership of 282,455 trade unionists, though no one had a membership in excess of 155,642.

Article 389 of the Treaty of Versailles requires that non-government delegates to the International Labor Conference be "chosen in agreement with the industrial organizations, if such organizations exist, which are most representative of employers or workpeople, as the case may be, in their respective countries." On October 22, 1921, the Netherlands Confederation of Trades Unions protested to the International Labor Office that the Netherlands Government had not fulfilled this requirement. The International Labor Conference decided to admit the delegate nominated by the Netherlands Government, in spite of this protest. But at the same time the Conference adopted a resolution calling upon the Governing Body of the International Labor Office to request the Council of the League of Nations to obtain from the Permanent Court of International Justice an opinion as to the proper interpretation of Article 389. The Council of the League of Nations therefore acted at the suggestion of the Governing Body in requesting the opinion.

The Court unanimously concluded that the Netherlands Government's nomination had complied with Article 389 of the Treaty of Versailles. The main ground of the opinion was that in a country where there are several organizations of workers or employers, all of these organizations may be taken into consideration in the nomination of a workers' or employers' delegate, and not

merely that one which has the largest membership, even though the one may be the "most representative."

This opinion was communicated to the Council of the League of Nations and transmitted by the Council to the Director of the International Labor Office. It constitutes a distinct clarification of the Labor Part of the Peace Treaties, and in the future it will greatly assist the governments in nominating non-government delegates to the International Labor Conference.

## Second Advisory Opinion of the Permanent Court of International Justice.—Agricultural Labor and the International Labor Organization[1]

**The competence of the International Labor Organization extends to the conditions of labor of persons employed in agriculture.**

On May 12, 1922, the Council of the League of Nations adopted a resolution requesting the Permanent Court of International Justice to give an advisory opinion on the following question: "Does the competence of the International Labor Organization extend to the international regulation of the conditions of labor of persons employed in agriculture?" The question came before the Court at its first regular session on June 15, 1922. Oral statements were made before the Court on behalf of the British, French, Portuguese and Hungarian Governments, and on behalf of the International Labor Office, the International Agricultural Commission and the International Federation of Trades Unions.

At the first session of the International Labor Conference in Washington, in 1919, it had been decided to place on the agenda of a future session the subject of agricultural labor. At the third session in 1921, three items relating to agricultural labor were included in the agenda. The question of competence was raised before the Conference by the French Government. The International Labor Conference declared itself competent on October 27, 1921, by a vote of 74 to 20. Later the Conference adopted several measures dealing with the protection of agricul-

[1]Reported in Publications of the Permanent Court of International Justice, Series B, No. 2, and Series C, No. 1.

tural workers. It was the French Government which brought the matter to the Council of the League of Nations in 1922, and this was done without first raising the question in the Governing Body of the International Labor Office.

On August 12, 1922, the Court decided to reply to the Council of the League of Nations that the competence of the International Labor Organization does extend to international regulation of the conditions of persons employed in agriculture. A majority of the judges found the language of the Treaty of Versailles free from any ambiguity on this point. It was said that "every argument used for the exclusion of agriculture might with equal force be used for the exclusion of navigation and fisheries."

Judge Weiss (France) and Deputy-Judge Negulesco (Rumania) declared that they were unable to concur in the opinion given by the Court.

The opinion was duly transmitted to the Council of the League of Nations and by the Council to the French Government.

### Third Advisory Opinion of the Permanent Court of International Justice.—Agricultural Production and the International Labor Organization[1]

**The competence of the International Labor Organization extends to agricultural production only in so far as conditions of labor are concerned.**

On July 18, 1922, the Council of the League of Nations adopted a resolution requesting the Permanent Court of International Justice to give an advisory opinion on the following question: "Does examination of proposals for the organization and development of methods of agricultural production, and of other questions of a like nature, fall within the competence of the International Labor Organization?" The Court was in session at the time this resolution was adopted, and was duly notified of the request. Arguments were heard on behalf of the French Government and the International Labor Office.

The question had been first raised in the Council of the League of Nations by a letter of the French Government of June 13, 1922.

[1]Reported in Publications of the Permanent Court of International Justice, Series B, No. 3, and Series C, No. 1.

The Director of the International Labor Office stated that the International Labor Organization did not claim to have competence as to agricultural production. Negotiations between the International Labor Office and the International Institute of Agriculture had brought a common view to the two organizations as to the proper delimitation of their respective spheres of action.

On August 12, 1922, the Permanent Court of International Justice expressed the unanimous opinion that while the organization and development of "means of production" had not been included in the sphere of the International Labor Organization, it was not necessary that the Organization "totally exclude from its consideration the effect upon production of measures which it may seek to promote for the benefit of the workers." It was made clear that "the consideration of methods of organizing and developing production from the economic point of view is in itself alien to the sphere of activity marked out for the International Labor Organization by Part XIII of the Treaty of Versailles."

This opinion was duly communicated to the Council of the League of Nations and by the Council to the French Government. With the two preceding opinions, it has assisted the Labor Organization to chart its course, and has thus contributed to the easier co-operation of the nations engaged in considering and adopting uniform labor legislation.

## Fourth Advisory Opinion of the Permanent Court of International Justice.—Nature of Dispute About Nationality Decrees[1]

**The British-French dispute over nationality decrees in Tunis and Morocco is not by international law solely a matter of domestic jurisdiction within paragraph 8 of Article 15 of the Covenant, though nationality questions in general fall within a state's domestic jurisdiction.**

On October 4, 1922, the Council of the League of Nations addressed itself to the following item which had been placed on its agenda at the request of the British Government on August 11,

[1]Reported in Publications of the Permanent Court of International Justice, Series B, No. 4, and Series C, No. 2, and Additional Volume.

1922: "Dispute between France and Great Britain as to the nationality decrees issued in Tunis and Morocco (French Zone) on November 8, 1921, and their application to British subjects, the French government having refused to submit the legal questions involved to arbitration." The Council took note of "friendly conversations" which had taken place between representatives of the British and French Governments, and pursuant to an agreement between the parties, adopted the following resolution:

(*a*) The Council decides to refer to the Permanent Court of International Justice, for its opinion, the question whether the dispute referred to above is or is not by international law solely a matter of domestic jurisdiction (Article 15, paragraph 8, of the Covenant);

(*b*) And it requests the two Governments to bring this matter before the Permanent Court of International Justice, and to arrange with the Court with regard to the date on which the question can be heard and with regard to the procedure to be followed;

(*c*) Furthermore, the Council takes note that the two Governments have agreed that, if the opinion of the Court upon the above question is that it is not solely a matter of domestic jurisdiction, the whole dispute will be referred to arbitration or to judicial settlement under conditions to be agreed between the Governments.

On October 4, 1922, the Secretary-General of the League of Nations transmitted to the Registrar of the Permanent Court of International Justice a copy of the above resolution "for the information of the Permanent Court of International Justice." This was not treated as a request for an advisory opinion under Article 72 of the Rules of Court, but such a request was sent by the Secretary-General on November 6, 1922. The matter was before the Court as a request for an advisory opinion, although at various stages in the proceedings it was referred to by counsel as if Great Britain and France were parties before the Court in a dispute between them.

The arrangements for calling an extraordinary session of the Court were made by the President with the aid of suggestions from the British and French Governments. The two Governments fixed upon November 25, 1922, as the date for the submission of cases, and December 23, 1922, as the date for the submission of counter-cases. When the Court met in extraordinary session to consider the matter on January 8, the British Government

was represented by Mr. George Mounsey, as Agent, and by the Right Hon. Sir Douglas Hogg, K.C., M.P., His Britannic Majesty's Attorney-General, and the Right Hon. Sir Ernest Pollock, Bart., K.B.E., K.C., M.P., as Counsel. The French Government was represented by M. Mérillon as Agent and Professor de Lapradelle as Agent-Adjoint. Each Government submitted a case and a counter case, and the Court also heard oral arguments from both. The arguments before the Court consumed five days, and during the extraordinary session January 8 to February 7, the Court held twenty meetings.

The dispute had arisen as a consequence of the promulgation by the French Government of decrees converting certain British subjects in Tunis and Morocco (French zone) into French citizens, with the consequence that the French Government began to enforce a liability for military service in the French army. Extended negotiations between the British and French Governments had been conducted before the original communication of the question to the Council of the League of Nations. In these negotiations, Great Britain had relied upon various treaties applying to the French protectorates over Tunis and Morocco, especially the Anglo-French arrangement of September 18, 1897, containing a most-favored-nation clause. But the British insistence had failed to produce any modification in the French decrees, and the French Government had contended throughout that the matter was not open to settlement by diplomatic negotiation.

The argument before the Court was addressed to the single question of the nature of the dispute, and the Court very conscientiously confined itself to the limits of that question. The British Government contended that the existence and abrogation of various treaties were involved, as well as the construction of the terms of such treaties, with the result that the question must be one of an international nature. The French Government contended on the other hand, that "the sovereign right of a nation to legislate upon nationality questions within its own territory governs the situation in Tunis and Morocco under French protectorate as in France itself." It was insisted that the French protectorates in Tunis and Morocco demanded the "progressive assimilation of the customs and laws of the protectorate to those of the protecting country." France refused to admit that

there was any limit on her power in this respect as a result of any applicable international engagement.

On February 7, 1923, the Court handed down a unanimous opinion holding that the dispute "is not, by international law, solely a matter of domestic jurisdiction (Article 15, paragraph 8 of the Covenant)." In the first place, it was held that the language of the Covenant was not to be given "an extensive interpretation." And the following passage from the opinion of the Court seems to indicate a due regard for the influence which its pronouncements are likely to have on future conduct:

> The question whether a certain matter is or is not solely within the jurisdiction of a state is an essentially relative question; it depends upon the development of international relations. Thus, in the present state of international law, questions of nationality are, in the opinion of the Court, in principle within this reserved domain.

It was clearly held that a dispute does not achieve an international character merely as a consequence of its being brought before the Council of the League of Nations, nor as a consequence of appeals by a party to the dispute to engagements of an international character. The Court found the Aaland Islands case authority for this proposition. The French protectorates of Tunis and Morocco were examined in great detail, and it was concluded that while a state possesses exclusive jurisdiction in regard to nationality questions in its own territory, it is a question of international law whether such a jurisdiction extends over protected territory as well. The French Government had contended that certain treaties relied upon by Great Britain had lapsed as a result of the principle of *rebus sic stantibus*. This was held by the Court to be a question of international law. The effect of British declarations in the past with regard to Tunis was also found to be involved, and this was clearly a question of international law. Great Britain's reliance on the most-favored-nation clause in the Anglo-French arrangement of September 18, 1897, had also raised a question of international law.

It is notable that the French judge on the Court, Judge Weiss, concurred in the opinion that for these numerous reasons the dispute was not by international law solely a matter of domestic jurisdiction.

When the opinion was announced on February 7, the Agent for the French Government immediately declared that its conclusions were accepted by the French Government and that the French Government desired the case to be submitted on its merits to the Permanent Court of International Justice. This later proposal was not immediately agreed to by the British Government, however. When the Court again met on June 15, 1923, the French and British Governments informed the President of an amicable arrangement concluded between them on May 24, the result of which was to compromise the matter in such a way as to call for no further proceedings before the Court. The French Government had agreed to permit certain British nationals to decline French nationality, on the understanding that the privilege of declination did not extend to succeeding generations. It was stated in the arrangement that neither government would abandon its point of view, nor would the arrangement itself form a precedent for the future. The differences between the Governments, therefore, having lost their practical importance, did not call for further proceedings before the Permanent Court of International Justice.

## Fifth Advisory Opinion of the Permanent Court of International Justice—Dispute between Finland and Russia[1]

**Where an advisory opinion on the legal effect of treaty provisions would involve a prejudging of a dispute with reference to the execution of such treaty provisions, the Court will not give such an advisory opinion unless both parties submit to the Court's jurisdiction.**

On April 21, 1923, the Council of the League of Nations adopted a resolution requesting the Permanent Court of International Justice to give an advisory opinion on the following question: "Do Articles 10 and 11 of the Treaty of Peace between Finland and Russia, signed at Dorpat, on October 14th, 1920, and the annexed Declaration of the Russian Delegation regarding the autonomy of Eastern Carelia, constitute engagements of an international character which place Russia under an obligation

[1]Reported in Publications of the Permanent Court of International Justice, Series B, No. 5, and Series C, No. 3, Vols. I and II.

to Finland as to the carrying out of the provisions contained therein?"

The question came before the Court at its third (ordinary) session, begun on June 15, 1923. Notice of the request had been circulated as required by Article 73 of the Rules of Court, and by special decision notice was sent to the Soviet Government of Russia. Various documents were submitted to the Court by the Council and by Finland, and a representative of the Finnish Government was heard in oral argument. The Russian People's Commissary for Foreign Affairs, M. Tchitcherin, sent the Court a long telegram stating that his government found it "impossible to take any part in the proceedings" which it regarded as "without legal value either in substance or in form."

In its opinion announced on July 23, 1923, the Court found that an "acute controversy" existed between Finland and Russia with regard to the Declaration which had been made at Dorpat concerning Eastern Carelia. "The Finnish Government maintain that it forms part of the contract between the two countries and that the Treaty was signed on the terms that the Declaration was as binding as the Treaty itself. The Soviet Government maintain that the Declaration was not by way of contract, but was only declaratory of an existing situation and made merely for information." To attempt to deal with this controversy even to the limited extent of giving an advisory opinion, "would be substantially equivalent to deciding the dispute between the parties."

But the Court found it to be "well established in international law that no State can without its consent be compelled to submit its disputes with other States either to mediation or to arbitration, or to any other kind of pacific settlement." The Court intends to abide by this principle very strictly. "The Court, being a Court of Justice, cannot, even in giving advisory opinions, depart from the essential rules guiding their activity as a Court." So in this case the Court regretfully declined to give any opinion. Yet it took account of the long history of the dispute, and added that it did not "regret that the question has been put" by the Council of the League of Nations, for "all must now realize that the Council has spared no pains in exploring every avenue which might possibly lead to some solution."

Four of the judges did not share the conclusions of the majority, however. These conclusions are rather curiously referred to as an "opinion," and are published in the "Collection of Advisory Opinions," though in reality they amount to a refusal to give an opinion. This refusal is a clear indication of the judges' determination that the limitations surrounding judicial action are to be rigidly observed, even in the exercise of their function of giving advisory opinions.

## First Judgment of the Permanent Court of International Justice—Case of the S. S. *Wimbledon*, involving freedom of the Kiel Canal[1]

**Article 380 of the Treaty of Versailles of June 28, 1919, forbids Germany's applying to the Kiel Canal a neutrality order which would close the canal to a British vessel under French charter carrying munitions to Danzig for transshipment to Poland during a war between Poland and Russia.**

On January 16, 1923, the British, French, Italian and Japanese Governments made "application" to the Permanent Court of International Justice asking for judgment whether the German Government "is present or absent," that "the German authorities wrongfully refused on March 21, 1921, free access to the Kiel Canal of the steamship 'Wimbledon,'" and that reparation be awarded for the loss incurred by the *Wimbledon*. The application set forth the provision in the Treaty of Versailles (Art. 380) that "The Kiel Canal and its approaches shall be maintained free and open to the vessels of commerce and war of all nations at peace with Germany on terms of entire equality." To vest jurisdiction in the Court, the applicant Powers relied on Article 386 of the Treaty of Versailles, though Germany seems to have been entirely willing to go before the Court and did not at any time contest the jurisdiction.[2]

The Court was seised of the case when it met on June 15, 1923. Under Article 31 of the Court Statute, a German national, Pro-

[1]Reported in Publications of the Permanent Court of International Justice, Series A, No. 1, and Series C, No. 3, Vols. I and II and Additional Volume.

[2]See 18 American Journal of International Law, p. 11.

fessor Walter Schücking of the University of Berlin, had been named by Germany to sit as a judge *ad hoc*. On June 28, Poland's application to "intervene" was approved. The applicant Powers had submitted a *case* on March 17; Germany a *counter-case* on April 20; the applicants a *reply* on May 18; and Germany a *rejoinder* on June 15. Between July 5 and July 10 oral arguments were heard by the agents of each of the six Powers that were parties, the German agent speaking in the German language and the other agents speaking in French or English.

The facts were admitted, though there was some controversy as to whether Poland and Russia were still at war on March 21, 1921, when the *Wimbledon* was excluded from the Kiel Canal. The chief problem related to the construction to be placed on Article 380 of the Treaty of Versailles. In the judgment handed down on August 17, 1923, the Court found "that the terms of Article 380 are categorical and give rise to no doubt." The conclusion followed "that the canal has ceased to be an internal and national navigable waterway, the use of which by vessels of states other than the riparian state is left entirely to the discretion of that state, and that it has become an international waterway intended to provide under treaty guarantee easier access to the Baltic for the benefit of all nations of the world." Hence the Court found Germany under an obligation to keep the Kiel Canal "open, on a footing of equality, to all vessels, without making any distinction between war vessels and vessels of commerce, but on one express condition, namely, that these vessels must belong to nations at peace with Germany."

The Court referred to the "precedents afforded by the Suez and Panama Canals" which in its opinion "invalidate in advance the argument that Germany's neutrality would have necessarily been imperilled if her authorities had allowed the passage of the *Wimbledon*." The Canal has become so "assimilated to natural straits" that even "the passage of a belligerent man-of-war does not compromise the neutrality of the sovereign State under whose jurisdiction the waters in question lie." It was not necessary to say whether the war between Poland and Russia had terminated, for in any case Germany had a duty by treaty to allow the *Wimbledon* to pass. Her refusal was therefore wrongful, and Germany "is responsible for the loss occasioned by this refusal

and must compensate the French Government" acting on behalf of the French firm of charterers. The amount of compensation awarded was 140,749.35 francs, as against 165,749.35 francs claimed.

Three of the judges dissented, including the German national judge. Judges Anzilotti (Italy) and Huber (Switzerland) thought that the "legal status of the Kiel Canal resembles that of the internal navigable waterways of international concern"; that Germany's obligation to maintain the Canal free and open "does not exclude her right to take the measures necessary to protect her interests as a belligerent or neutral power"; and that Germany's neutrality regulation in this case was not "an arbitrary act calculated unnecessarily to impede traffic." Judge Schücking (Germany) thought that a servitude had been imposed on the Kiel Canal, which called therefore for a restrictive interpretation; and in this case the passage of the *Wimbledon* would not have been "compatible with Germany's duties as a neutral toward Russia."

The decision is a notable one for several reasons. It is the first contested case to come before the Permanent Court of International Justice, all the other cases having come by requests for advisory opinions. It is the first case in which a specially chosen national judge has participated. It will constitute for the future a valuable addition to international law as to the Kiel Canal and as to the use of all inter-oceanic canals in time of war.

The award has not yet been paid by Germany but this has been due to difficulties with the Reparation Commission rather than to any unwillingness on the part of the German Government.

## Sixth Advisory Opinion of the Permanent Court of International Justice—Protection of German Settlers in Poland[1]

**Poland's international obligations under the Minorities Treaty of June 28, 1919, involve the protection of German colonists sent into German Poland before the war, requiring Poland to respect contracts and leases made by the German Government with these colonists; and the position taken by Poland after the war was not in conformity with its international obligations.**

On February 3, 1923, the Council of the League of Nations adopted a resolution requesting the Permanent Court of International Justice to give an advisory opinion on two questions: (1) whether Poland's refusal to recognize contracts and leases made by certain German colonists with the German Colonization Commission before the end of the war, involved an international obligation within the competence of the League of Nations under the Polish Minorities Treaty of June 28, 1919; and, (2) if so, whether Poland's position with respect to these contracts and leases was in conformity with her international obligations.

The matter came before the Court when it met for its third (ordinary) session on June 15, 1923. Various documents were submitted by the Council of the League of Nations and by the Polish and German Governments. Oral arguments were heard also by the representatives of the Polish Government, Count Rostworowski and Sir Ernest Pollock, formerly Attorney-General of Great Britain, and by the representative of Germany, M. Schiffer, ex-minister of Justice.

The Polish Government had ousted two classes of German colonists: those holding under contracts entitling the colonist to receive title to the land, where the definitive conveyance had not been completed until after the Armistice of November 11, 1918; and those holding under leases for which such contracts had been substituted after the date of the Armistice. On May 17, 1922, the Council of the League of Nations had requested Poland to suspend such measures.

In its opinion announced on September 10, 1923, the Court first considered the competence of the League of Nations to deal

[1]Reported in Publications of the Permanent Court of International Justice, Series B, No. 6, and Series C, No. 3, Vols. I and III.

with the matter, under the provisions of the Minorities Treaty. In this connection, it held that "the fact that no racial discrimination appears in the text of the law of July 14, 1920, and that in a few instances the law applies to non-German Polish nationals who took as purchasers from original holders of German race, makes no substantial difference. . . . There must be equality in fact as well as ostensible legal equality in the sense of the absence of discrimination in the words of the law." It then held that the German Government "is to be considered as having continued to be competent to undertake transactions falling within the normal administration of the country" in the period between November 11, 1918, when the Armistice was signed, and January 10, 1920, when the Treaty of Versailles came into force.

Proceeding then to examine the legal character of the contracts under which the settlers held, the Court found that they were enforceable contracts which gave interests in the land not unlike the interests of a holder of an equitable title in Anglo-American law. "A purchaser acquired a *jus ad rem*, and after *Auflassung* had a *jus in re*." And it was careful to announce that "the fact that there was a political purpose behind the colonisation scheme cannot affect the private rights acquired under the law." Such private rights, whether acquired by contract or by lease, "do not cease on a change of sovereignty," nor is any treaty provision required to preserve them. No provisions in the Treaty of Versailles had prohibited Germany's dealing with such rights in the ordinary normal way, even after the Armistice, and hence Poland was bound to respect such dealing on taking over the governance of the territory. The Court therefore pronounced that "the position adopted by the Polish Government . . . was not in conformity with its international obligations."

When the question later came before the Council of the League of Nations on December 17, 1923, Poland announced that her policy would be re-shaped to accord with the law enunciated by the Court, and agreed to compensate colonists already ousted illegally and suspend further proceedings against other colonists.

By negotiation between the Polish Government and a committee of the Council, the amount of compensation was agreed upon, and on June 17, 1924, the Council took note of the fact that the question was settled.

## Seventh Advisory Opinion of the Permanent Court of International Justice—Acquisition of Polish Nationality by German Settlers[1]

**Under the Treaty for the Protection of Minorities in Poland, the Council of the League of Nations is competent to deal with questions as to acquisition of Polish nationality by German Settlers, and Article 4 of the Treaty makes habitual residence of parents at the date of birth of settlers concerned, but not at any later date, a condition of acquiring nationality.**

On July 7, 1923, the Council of the League of Nations adopted a resolution requesting the Permanent Court of International Justice to give an advisory opinion on the competence of the League of Nations under the Minority Treaty between the Principal Allied and Associated Powers and Poland, and on the proper interpretation to be placed on Article 4 of that Treaty. The Court was in session when the resolution was adopted, and became seised of the questions on receipt of a letter from the Secretary-General of the League, dated July 11, 1923.

Notice of the request was sent to all Members of the League of Nations, to the United States, Ecuador and the Hedjaz as states mentioned in the Annex to the Covenant, and to the German Government. The decision of the Court to send notice to Germany has evoked some adverse criticism on the ground that Germany is not a party in interest with respect to a question arising under the Minority Treaty between the Allied Powers and Poland, even though the question relates to a Germanic group in Poland. But the Court's action would seem to have been a proper exercise of discretion, even though Article 73 of the Rules of Court did not require it. Oral arguments were heard on behalf of Poland and of Germany, but Rumania's request to be heard came too late.

The question was originally raised by a petition of November 12, 1921, of the Germanic League of Bydgoszcz submitted to the Council. Article 4 of the Minority Treaty provides that

> Poland admits and declares to be Polish nationals *ipso facto* and without the requirement of any formality persons of German, Austrian, Hun-

[1]Reported in Publications of the Permanent Court of International Justice, Series B, No. 7, and Series C, No. 3, Vols. I and III.

garian or Russian nationality who were born in the said territory of parents habitually resident there, even if at the date of the coming into force of the present treaty they are not themselves habitually resident there.

The Polish Government had decided to treat certain persons who were former German nationals as not having acquired Polish nationality and as continuing to possess German nationality, because their parents were not habitually resident in the territory, both on the date of birth of the person concerned and on the date when the Minority Treaty came into force on January 10, 1920. When the question was raised in the Council of the League of Nations, Poland contended that it was not within the jurisdiction of the Council, which was limited to questions concerning minorities consisting of Polish nationals. It was necessary for the Court therefore to deal with this basic question of jurisdiction, as well as with the proper interpretation of the nationality provisions of the treaty.

In the unanimous opinion handed down on September 15, 1923, the Court held that the matter was within the competence of the League of Nations. The statesmanship of the Court is evidenced by its general appreciation of the nature of the minorities treaties, and the office which they are designed to serve in the postwar world:

The Minorities Treaties in general, and the Polish Treaty in particular, have been concluded with new States, or with States which, as a result of the war, have had their territories considerably enlarged, and whose population was not therefore clearly defined from the standpoint of political allegiance. One of the first problems which presented itself in connection with the protection of the minorities was that of preventing these States from refusing their nationality, on racial, religious or linguistic grounds, to certain categories of persons, in spite of the link which effectively attached them to the territory allocated to one or other of these States. It is clearly not a purely fortuitous circumstance that the Treaties for the protection of minorities contain provisions relating to the acquisition of nationality. Again, the fact that in some cases these provisions merely repeat, either in their entirety or in part, principles laid down in the Peace Treaties, would appear to be explained by the intention to extend to these principles the guarantee of the League of Nations, no matter what points of difference or resemblance there may be between these treaties.

Lord Finlay concurred in the conclusions of the Court, but he would have gone further in his definition of the minorities protected by the treaty:

> It therefore appears that while such elementary rights as those of life and liberty are secured to all inhabitants, there are a great many rights secured to Polish *ressortissants* only, and it is with regard to such rights that the question of unfair treatment of minorities must arise in the immense majority of cases. Of course, it is conceivable that there might be a case in which protection for life and liberty was refused to some unpopular minority of inhabitants. In that case the minority would be one of a mass of inhabitants, whether Polish nationals or not; but such cases must be rare. The point will arise in the immense majority of cases with regard to such Articles as 7, 8 and 9 and the rights which they confer on all Polish *ressortissants* including German or other minorities.

Having decided the question of competence, the Court proceeded to hold that the Polish Government had improperly required that parents of the persons in question should be living in the territory on January 10, 1920, as well as on the date of birth of their children. It was of the opinion that the clause of the Treaty quoted "leaves little to be desired in the nature of clearness." And it was pointed out that the interpretation contended for by Poland would have the effect of depriving of Polish nationality a person born in Poland of parents habitually resident there at the time, simply because his parents were dead on January 10, 1920.

The advisory opinion was duly transmitted to the Secretary-General of the League of Nations, and on September 22, 1923, the Council "adopted" it. The matter has since been the subject of negotiations between Poland and Germany, and was finally submitted to the arbitration of M. Georges Kaeckenbeeck, chairman of the Arbitral Tribunal of Upper Silesia. On August 30, 1924, Poland and Germany signed a convention accepting the award of the arbitrator. This convention has been ratified, and registered with the Secretariat.[1]

[1]League of Nations, *Treaty Series, XXXII*, No. 824.

## Eighth Advisory Opinion of the Permanent Court of International Justice—The Jaworzina Boundary Question Between Poland and Czechoslovakia[1]

**A decision by the Conference of Ambassadors with reference to the boundary between Poland and Czechoslovakia, accepted by both States, was definitive and the question was not reopened by later negotiations.**

On September 27, 1923, the Council of the League of Nations adopted a resolution requesting the Permanent Court of International Justice to give an advisory opinion on the question whether the delimitation of the frontier between Poland and Czechoslovakia in the region known as the Spisz district (Jaworzina) was still open, or whether it should be considered as settled by a definitive decision of the Conference of Ambassadors. The resolution set forth the case of the Polish Government and the case of the Czechoslovak Government, and the Council requested the two governments concerned to be prepared to assist the Court by furnishing it with relevant documents and information. A *dossier* communicated to the Council by the Conference of Ambassadors was transmitted to the Court.

The Court became seised of the matter on receipt of a letter from the Secretary-General of the League of Nations, dated September 29, 1923. In view of the urgency, the Court convened in extraordinary session on November 12, 1923. This session continued from November 12 to December 6, when the opinion was handed down. The Polish Government was represented by M. Mrozowski, President of the Supreme Court of Poland, and the Czechoslovak Government by Professor Krcmar and Dr. Krno. Oral arguments on both sides were heard on November 14.

The question of the boundary between Poland and Czechoslovakia had long been before the Conference of Ambassadors at Paris, which on July 27, 1923, decided to lay the difficulties before the Council of the League and to ask the Council to recommend a solution. It was stated that the Governments represented in the Conference of Ambassadors would have no objection should

[1]Reported in Publications of the Permanent Court of International Justice, Series B, No. 8, and Series C, No. 4.

the Council see fit to ask the opinion of the Court of International Justice on the legal questions involved. It had been decided on September 27, 1919, that a plebiscite should be held in the Spisz district, but so many difficulties developed that the Spa Conference in July, 1920, suspended this arrangement. On July 28, 1920, the Conference of Ambassadors at Paris had decided upon a boundary line between Poland and Czechoslovakia, subject to modifications of detail by a delimitation commission. This decision had been accepted by both Poland and Czechoslovakia. Later negotiations had been undertaken, however, which continued for three years without reaching any different result. So it became necessary to determine whether the decision of the Conference of Ambassadors of July 28, 1920, had a final character.

The opinion of the Court was unanimous that the decision of July 28, 1920, was to be treated as definitive. "The final character of the decision referred to above is also shown, with special clearness, by the declaration appended to the decision, which is signed by the plenipotentiaries of Poland and Czechoslovakia." Not only was "the task entrusted to the Conference of Ambassadors by the Supreme Council fulfilled by the decision of the Conference, but the decision itself was put into execution." It was necessary for the Court to review the entire history of the negotiations which followed the Spa Conference. Throughout this review, the Court showed a disposition to take account of the complexities of the postwar situation and the difficulties in stabilizing it.

"When, as a result of the European War and the dissolution of the Austro-Hungarian Monarchy, Poland and Czechoslovakia were re-established as independent States, their frontiers were, generally speaking, indicated by the same historical and ethnological factors which had led to their reconstitution.

The necessity remained, however, either for a formal pronouncement with regard to the extent of the territories respectively allocated to two States above-mentioned or for a settlement of territorial questions in regions where, owing to special circumstances, the historical or ethnological frontier remained uncertain or met with difficulties which prevented the parties concerned from voluntarily accepting it.

The task of ensuring the recognition of the frontiers of the new States and of settling disputes which might arise between them was undertaken by the Principal Allied and Associated Powers represented in the Supreme Council then sitting at Paris."

But the two States were held to have given to the decision of the Conference of Ambassadors "over and above the authority possessed by a decision of the Principal Allied and Associated Powers," the "force of a contractual obligation."

A question also arose as to the effect of later interpretations placed on the decision by the Conference of Ambassadors itself. The Court refused to admit that the Conference was competent to change the clear effect of a decision by a later interpretation.

"The duties of the Conference, as has already been pointed out by the Court, had some points in common with those of an Arbitrator entrusted by two States with the settlement of a frontier dispute between them. But in the absence of an express agreement between the parties, the Arbitrator is not competent to interpret, still less modify his award by revising it. The decision of July 28th, which was accepted by the Polish and Czechoslovak Governments, contains no mention of an agreement of this kind."

Through long and tedious negotiations by different officials, the Court traced the history of the efforts to reach a settlement of the boundary question without its aid. In the end, it was determined that these negotiations did not have the effect of upsetting the original decision of the Conference of Ambassadors on July 28, 1920, which is definitive. It was pointed out, however, that this decision should be applied in its entirety, with authority in the delimination commission to make modifications of detail in marking out the actual boundary.

The advisory opinion was duly transmitted to the Council of the League of Nations which met in Paris in December, 1923. At the Council's request, the Conference of Ambassadors invited the Delimitation Commission to submit fresh proposals in conformity with the Court's opinion. When the report of the Commission came before the Council on March 12, 1924, the Council recommended a definite frontier and suggested that the final decision should be accompanied by protocols to protect the interests of the inhabitants. A protocol was drawn up at Cracow on May 6, 1924, and approved by the Conference of Ambassadors, which decided, on September 5, 1924, that the frontier should be delimited in accordance with the Council resolution of March 12, 1924.

## Second Judgment of the Permanent Court of International Justice—The Mavrommatis Palestine Concessions[1]

**Under the mandate for Palestine, the Court has jurisdiction of a case brought by Greece against Great Britain notwithstanding the latter's objection.**

On May 13, 1924, the Minister of the Greek Republic at The Hague filed with the Registrar of the Permanent Court of International Justice an application instituting a proceeding against the British Government, seeking a declaration that the Government of Palestine and consequently the Government of His Britannic Majesty had wrongfully refused to recognize rights possessed by a Greek subject, Mavrommatis, and praying a judgment for £234,000, with interest, as damages for the injury suffered. The Greek Government relied on Art. 26 of the British Mandate of Palestine, by which the mandatory agreed that any dispute with a member of the League of Nations relating to the interpretation or application of the provisions of the mandate, if it could not be settled by negotiation, should be submitted to the Permanent Court of International Justice. On May 23, the Greek Government filed its case. The Greek Government designated M. Caloyanni to act as national judge, since no Greek national is included among the regular judges of the Court.

On June 3, 1924, the British Government informed the Court of its preliminary objection that the Court had no jurisdiction to entertain the proceedings, and formal objection to that effect was filed on June 16, together with the British Government's preliminary counter-case. On June 30, the Greek agent filed a reply to the British preliminary counter-case concerning the Court's jurisdiction, requesting that the Court dismiss the British objection and reserve the suit for judgment on its merits. On July 15 and 16, oral arguments were addressed to the Court in public session by Professor Politis, counsel for the Greek Government, and by Sir Cecil J. B. Hurst, K.C.B., K.C., agent for the British Government. On August 30, 1924, the Court handed down an opinion upholding the British contention in part, but dismissing it in part, and reserving the latter part of the suit for

[1]Reported in Publications of the Permanent Court of International Justice, Series A, No. 2, and in Series C, No. 5—I.

judgment on the merits. From this opinion, Lord Finlay and Judges Moore, de Bustamante, Oda and Pessõa dissented. So that it is by a vote of seven to five that the Court took jurisdiction of a part of the Greek case and instructed the President to fix the times for deposit of further documents of the written proceedings in accordance with Art. 33 of the Rules of Court.

The alleged Mavrommatis concessions relate to public utilities in Palestine and antedate the present régime in that country. They fall into three groups: the first group, relating to the construction and operation of electric tramways and to the supply of electric light and power and of drinking water in the city of Jerusalem, were definitely concluded with the Turkish authorities on January 27, 1914, and some steps had been taken toward realizing their purpose. The second group, relating to the construction and operation of elcctric tramways and the supply of electric light and power and of drinking water in the city of Jaffa as well as to the irrigation of the gardens of Jaffa from the waters of El-Hodja, depended on the effect of certain agreements of January 27, 1914, which were alleged to have been converted into concessions on January 28, 1916, though without the confirmation then required by Ottoman law. The third group, relating to the irrigation of the Jordan valley, depended on a verbal agreement of 1911 which was never confirmed by a definitive contract owing to the outbreak of war which prevented the assembling of the Parliament. The claim as to this third group was abandoned by the Greek Government in the case which it presented.

By Art. 36 of its Statute, the Court has jurisdiction to hear and determine "all cases which the parties refer to it and all matters specially provided for in treaties and conventions in force." It was agreed in this case that the British Mandate for Palestine, which was conferred on the British Government by the Council of the League of Nations on July 24, 1922, and which came into force on September 29, 1923, falls into the category of such treaties and conventions, and the British Government did not impeach the method by which the proceedings were initiated. The mandate provides (Art. 26):

The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another Member of the League of Nations

relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Art. 14 of the Covenant of the League of Nations.

Three questions arose, therefore, with regard to the Court's exercise of jurisdiction: (1) Had a dispute arisen between Great Britain as mandatory and another member of the League of Nations? (2) If so, has it proved to be a dispute which "cannot be settled by negotiation?" And (3) does the dispute relate "to the interpretation or the application of the provisions of the mandate?" In addressing itself to these questions, the Court was mindful of the fact "that its jurisdiction is limited, that it is invariably based on the consent of the respondent and only exists in so far as this consent has been given."

The Court answered the first question in the affirmative. While this case was originally a dispute between Mavrommatis and Great Britain, it "entered the domain of international law and became a dispute between two States" when the Greek Government took up the case. "By taking up the case of one of its subjects and by resorting to diplomatic action or international judicial proceedings in its own behalf, a State is in reality asserting its own rights."

The Court then proceeds to answer the second question in the affirmative. The Court recognizes "that before a dispute can be made the subject of an action at law, its subject matter should have been clearly defined by means of diplomatic negotiations." Certain correspondence had taken place, which the Court finds to amount to fruitless negotiations. It was thought by some members of the Court that these communications were too few, too brief and too informal to be called negotiations. But in the opinion of the majority "negotiations do not of necessity always presuppose a more or less lengthy series of notes and dispatches." The correspondence between Mavrommatis and the British Government had defined the points at issue, and after that "it would be incompatible with the flexibility which should characterize international relations to require the two Governments to reopen a discussion which has in fact already taken place."

The Court then proceeded to inquire whether the dispute "falls to be decided by application of the clauses of the mandate."

It was unwilling to say that mere reliance by the Greek Government on the terms of the mandate gave the dispute such character. Here the Tunis-Morocco opinion was carefully distinguished. The Court proceeded to a critical examination of Art. 11 of the mandate, on which the Greek Government was relying. The Mavrommatis concessions do not come under Art. 11, but the question arose whether certain other concessions, covering at least a part of the same ground, were violative of rights possessed by Mavrommatis. A connection between the two sets of concessions had been admitted by the British suggestion to Mavrommatis that he come to some understanding with Rutenberg and with the Zionist Organization. The Court found that the Rutenberg concessions fall within the scope of Art. 11 of the mandate. But that article conferred a power on the Palestine Administration only "subject to any international obligations accepted by the mandatory." This called for a consideration of Protocol XII annexed to the treaty of Lausanne, of July 24, 1923. This protocol was brought into force on August 6, 1924, during the period of the Court's deliberations on this case. It prescribes the recognition of all concessions that had been created by the Turkish authorities prior to October 29, 1914. This provision is sufficient to bring the first group of Mavrommatis concessions (the Jerusalem concessions) under Art. 11 of the mandate, so as to confer jurisdiction on the Court, since these concessions were concluded prior to that date. But it does not similarly place the second group of concessions (the Jaffa concessions) within the reach of Art. 11, for they are subsequent to October 29, 1914. Whether the protocol keeps alive the Jaffa concessions is not a question for the Court to determine, for "the Court is not competent to interpret and apply, upon a unilateral application, that protocol as such, for it contains no clause submitting to the Court disputes on this subject."

The Court therefore concluded that the dispute as to the Jerusalem concessions had to be decided on the basis of Art. 11 of the mandate and hence fell into the category of disputes for which Great Britain has accepted the compulsory jurisdiction of the Court; but that the dispute as to the Jaffa concessions had no connection with Art. 11 of the mandate and therefore did not fall into that category.

The Court then proceeded to consider whether this conclusion was in any way modified by the fact that the Protocol XII, annexed to the treaty of Lausanne, came into effect only on August 6, 1924, after the present proceedings had been instituted. Even if a different decision would have been necessary had the protocol not been brought into force, the Court would not now feel justified in dismissing the suit. Its jurisdiction being international, it "is not bound to attach to matters of form the same degree of importance which they might possess in municipal law."

When the judgment of the Court was announced, the British Agent asked that the time-limit for filing the British counter-case be fixed as January 1, 1925. Note was taken of this request, and the case was considered on its merits at an extraordinary session of the Court in February, 1925.

The case is notable for many reasons. The opinions constitute an important contribution to the law governing the Court's jurisdiction, and the large amount of "compulsory" jurisdiction possessed by the Court may be exercised more easily and expeditiously in the future. The ultimate decision of the case on its merits further contributed to the international law applicable to the power of a mandatory within its mandated territory.

## Ninth Advisory Opinion of the Permanent Court of International Justice—The Monastery of Saint-Naoum and the Albanian Frontier[1]

**By a decision of the Conference of Ambassadors of December 6, 1922, the Principal Allied Powers exhausted the mission contemplated by a Resolution of the Assembly of the League of Nations of October 2, 1921, with respect to the frontier between Albania and the Kingdom of the Serbs, Croats and Slovenes at the Monastery of Saint-Naoum.**

Albania was created an independent state by the Powers in 1913. The treaty of London of May 17/30, 1913, reserved to the Great Powers the task of settling her frontiers, and a Conference of Ambassadors sat for this purpose in London in that same year. The task had not been completed, however, when

[1]Reported in Publications of the Permanent Court of International Justice, Series B, No. 9, and in Series C, No. 5—II.

the war put an end to it. In 1919, the Peace Conference resumed the responsibility. After her admission as a Member of the League of Nations in 1920, Albania sought the assistance of the Council and Assembly of the League, and on October 2, 1921, the latter body by a unanimous vote left the task of further defining her boundaries to the Principal Allied Powers and recommended that Albania accept their decision. A Commission of Inquiry was sent to Albania by the League, and a Delimitation Commission was dispatched there by the Conference of Ambassadors of Paris. Both of these commissions encountered difficulties which had arisen over the Albanian-Jugoslav boundary in the region of the Monastery of Saint-Naoum.

These difficulties came before the Conference of Ambassadors at Paris as the body through which the Principal Allied Powers effect joint action, and both Albania and the Serb-Croat-Slovene State stated their contentions at great length. The Conference of Ambassadors also had before it the opinions of each of the members of the Delimination Commission. It proceeded to a decision on December 6, 1922, allocating the Monastery of Saint-Naoum to Albania. Five months later, the Jugoslav Government sought a revision of this decision and after protracted negotiations the Conference decided, on June 4, 1924, to submit two questions to the Council of the League of Nations: (1) Have the Principal Powers exhausted their mission by the decision of the Conference of December 6, 1922? And (2) If not, what solution should be adopted as to the frontier at this spot?

On June 17, 1924, the Council of the League of Nations decided to request an advisory opinion from the Permanent Court of International Justice on the following question:

> Have the Principal Allied Powers, by the decision of the Conference of Ambassadors of December 6, 1922, exhausted, in regard to the frontier between Albania and the Kingdom of the Serbs, Croats, and Slovenes at the Monastery of Saint-Naoum, the mission, such as it has been recognized by the interested parties, which is contemplated by a unanimous resolution of the Assembly of the League of Nations of October 2, 1921?

Various documents were submitted to the Court with this request, and both the Albanian and Serb-Croat-Slovene Governments submitted briefs. Oral arguments were addressed to the Court on July 23, 1924, by M. Spalaikovitch on behalf of the

Serb-Croat-Slovene Government, by Professor Gilbert Gidel of the University of Paris on behalf of the Albanian Government and by M. Kapsambelis on behalf of the Greek Government. On September 4, 1924, the Court handed down a unanimous opinion to the effect that the Principal Allied Powers have exhausted their mission by the decision of December 6, 1922. This means that the allocation of the monastery of Saint-Naoum to Albania was definitive, and the result has not been upset by the Conference of Ambassadors.

The Court found it clear that the Conference of Ambassadors is the authorized agent of the Principal Allied Powers whose competence in these premises had been recognized by Albania, by Greece, and by the Serb-Croat-Slovene State. Reference is made to the Jaworzina opinion as establishing the "general legal considerations determining the nature and effects" of the decisions of the Conference in matters of this kind. The Conference had stated the various reasons for its allocation of the Monastery to Albania. The Protocol of London of 1913 had specified that the western and southern shore of Lake Ochrida "from the village of Lim to the Monastery of Saint-Naoum" should form part of Albania, leaving it an open question whether the Monastery should be in Albania or not. The Conference of Ambassadors was therefore compelled to decide the question.

The Jugoslav contention that the Monastery had been allocated to Serbia in 1913 was carefully examined by the Court which concluded that "the documents placed before it and the arguments adduced on this point do not suffice to prove that the Conference of Ambassadors was mistaken in holding that the Albanian frontier at Saint-Naoum had not been definitely fixed in 1913." The Court was unable to find that any principle had been established in 1913 to the effect that "all disputed areas on the borders of Albania and Serbia containing Christian orthodox sanctuaries of national or historical importance, which during the Balkan Wars had been redeemed from Mussulman domination should be allocated to Serbia."

The decision of December 6, 1922, was also attacked on the ground that it had been reached on erroneous information and without regard to certain essential facts. The Court found that such was not the case, without committing itself to the possibility

of any action if the facts had turned out to be otherwise. It failed to find, also, that any new facts had been brought to light which were not known to the Conference of Ambassadors at the time of its decision.

The opinion was read at a public session of the Court at the Peace Palace at The Hague on September 4, 1924, and thereafter a copy of the opinion was forwarded to the Council of the League of Nations.

### Third Judgment of the Permanent Court of International Justice (Chamber of Summary Procedure)—Interpretation of Reparation Clause in the Peace Treaty of Neuilly[1]

**The treaty of Neuilly was held to authorize certain classes of claims against Bulgaria, for damage both as regards property and as regards persons.**

The treaty of peace between the Allied Powers and Bulgaria, signed at Neuilly on November 27, 1919, contained a provision subjecting the property of Bulgarian nationals in any Allied country to be charged with the payment of certain claims due to the nationals of that Allied country, especially claims growing out of acts committed by the Bulgarian Government since October 11, 1915, and before that Allied Power entered the war. The amount of such claims was to be assessed by an arbitrator appointed by M. Gustave Ador of Switzerland. The treaty of Neuilly came into force on August 9, 1920,[2] and M. Ador appointed as arbitrator for this purpose M. Albert Wuarin (Switzerland).

The arbitrator then proceeded to draft his rules of procedure, and to submit them to the various Governments for comment. The Bulgarian Government in its observations disputed the competence of the arbitrator to include any claims for acts committed outside Bulgarian territory, or for acts as a result of which claimants had suffered personal injury. The Bulgarian Government, furthermore, denied the power of the arbitrator to determine his own competence. It was the arbitrator who suggested,

[1]Reported in Publications of the Permanent Court of International Justice, Series A, No. 3, and Series C, No. 6.

[2]On September 4, 1920, as concerns Greece.

therefore, that failing direct agreement between the Greek and Bulgarian Governments, the dispute concerning his competence should be submitted to the Permanent Court of International Justice.

On March 18, 1924, the Greek and Bulgarian Governments entered into a special agreement for the arbitration of the dispute (*compromis d'arbitrage*). The effect of this agreement was to submit the dispute to the Permanent Court of International Justice in its Chamber for Summary Procedure, as provided by Art. 29 of the Statute and Arts. 67 and 70 of the Rules of Court. Two questions were formulated with reference to the meaning of the last sentence (in French) of the first subparagraph of paragraph 4 of the annex to Section IV, Part IX of the treaty:[1]

1) Does the text . . . authorize claims for acts committed even outside Bulgarian territory as constituted before October 11, 1915, in particular in districts occupied by Bulgaria after her entry into the war?

2) Does the text . . . authorize claims for damages incurred by claimants not only as regards their property, rights and interests, but also as regards their person, arising out of ill-treatment, deportation, internment or other similar acts?

The Bulgarian and Greek Governments filed their cases with the registry of the Court on July 31, 1924, and their replies on August 25, 1924. No oral proceedings were instituted, but the case was decided on the basis of the cases and replies.

The judgment of the Chamber of Summary Procedure, composed of President Loder, Vice-President Weiss, and Judge Huber, was

[1]This paragraph reads as follows:

All property, rights and interests of Bulgarian nationals within the territory of any Allied or Associated Power and the net proceeds of their sale, liquidation or other dealing therewith may be charged by that Allied or Associated Power in the first place with payment of amounts due in respect of claims by the nationals of that Allied or Associated Power with regard to their property, rights and interests, including companies and associations in which they are interested, in Bulgarian territory, or debts owing to them by Bulgarian nationals, and with payment of claims growing out of acts committed by the Bulgarian Government or by any Bulgarian authorities since October 11, 1915, and before that Allied or Associated Power entered into the war. The amount of such claims may be assessed by an arbitrator appointed by M. Gustave Ador, if he is willing, or if no such appointment is made by him, by an arbitrator appointed by the Mixed Arbitral Tribunal provided for in Section VI. They may be charged in the second place with payment of the amounts due in respect of claims by the nationals of such Allied or Associated Power with regard to their property, rights and interests in the territory of other enemy powers, in so far as those claims are otherwise unsatisfied.

handed down on September 12, 1924. It was found that the purpose of paragraph 4 was to determine the categories of indemnities, debts, and claims with which an Allied or Associated Power might charge the property of Bulgarian nationals within its territory as security, without imposing any fresh obligations over and above those imposed by other clauses of the treaty. It was held that the various classes of claims were not necessarily subject to the same rules of law. The Court then proceeded to a careful interpretation of the language of paragraph 4 when taken in connection with other provisions in the treaty of Neuilly. The Greek case had relied on corresponding provisions in the treaty of Versailles, where it was said that American insistence had secured the inclusion of the expression "acts committed" because of the case of the Lusitania. The Court asserted, however, that "by the general principles of interpretation an obligation imposed on one contracting party cannot be based on the fact that it is mentioned" in another treaty "dealing with a different matter."

Finally it was decided that the treaty of Neuilly "should be interpreted as authorizing claims in respect of acts committed even outside Bulgarian territory as constituted before October 11, 1915, and in respect of damage incurred by claimants not only as regards their property, rights and interests but also as regards their person;" and that reparation due on this ground is "included in the total capital sum" due from Bulgaria.

## Tenth Advisory Opinion of the Permanent Court of International Justice—Exchange of Greek and Turkish Populations[1]

**To be considered as "established" in Constantinople under the terms of the convention of Lausanne of January 30, 1923, and therefore not included in the exchange of populations between Greece and Turkey, Greek inhabitants must reside within certain boundaries of the Prefecture of the City of Constantinople, and must have arrived prior to October 30, 1918, with an intention to reside there for an extended period.**

The peace settlement with Turkey which was made at Lausanne in 1923 was embodied in a number of treaties, conventions and protocols.[2] At the time popular interest was particularly aroused by a convention between Greece and Turkey, signed on January 30, 1923, providing for the compulsory exchange of Turkish nationals of the Greek orthodox religion established in Turkish territory and of Greek nationals of the Moslem religion established in Greek territory. Certain inhabitants of Constantinople and Western Thrace were not included in the exchange. A Mixed Commission was provided for to supervise and facilitate the emigration of persons who were included, to consist of four members representing each of the parties and three members chosen by the Council of the League of Nations. This Mixed Commission was duly constituted, and in the course of its work in 1924, serious difficulties arose.

Prior to October 21, 1924, the Turkish authorities "sent to the hospitals at Baloukli, under police escort, something like 4500 Greeks who, according to the lists prepared by the various areas of the Prefecture of the City [of Constantinople], were shown as arrived after October 30, 1918." This necessitated a construction of the word "established" in the Lausanne Convention. The question was studied by the Mixed Commission and its legal section throughout September, 1924, with a resulting deadlock during which the Mixed Commission could not even meet. On October 22, 1924, the Greek Government appealed

[1]Reported in Publications of the Permanent Court of International Justice, Series B, No. 10.

[2]Great Britain, *Treaty Series* No. 16 (1923), Cmd. 1929.

to the Council of the League of Nations under Art. 11 of the Covenant. On October 31, 1924, at its 31st session, the Council adopted a report inviting the Mixed Commission to hold a plenary meeting and suggesting the possibility of recourse to the Court either by Greece and Turkey directly, or through the Council for an advisory opinion. The Mixed Commission met on November 15, and on November 16 it unanimously decided to request the Council to seek an advisory opinion from the Court. On December 13, 1924, the Council voted to ask the Court to give an advisory opinion on the following question:

> What meaning and scope should be attributed to the word "established" in Art. 2 of the convention of Lausanne of January 30, 1923, regarding the exchange of Greek and Turkish populations, in regard to which discussions have arisen and arguments have been put forward which are contained in the documents communicated by the Mixed Commission? And what conditions must the persons who are described in Art. 2 of the convention of Lausanne under the name of "Greek inhabitants of Constantinople" fulfil in order that they may be considered as "established" under the terms of the Convention and exempt from compulsory exchange?[1]

Notice of the request was sent by the Court to all members of the League of Nations, to the United States and other nonmembers named in the annex to the Covenant, and to Turkey and the Mixed Commission.

Owing to the urgency of the question, an extraordinary session of the Court was convoked, beginning on January 12, 1925. The Greek and Turkish Governments each presented its case, and oral arguments were heard by M. Politis, Greek Minister at Paris, and Dr. Tevfik Rouchdy Bey, President of the Turkish Delegation to the Mixed Commission. The unanimous opinion

[1]Art. 2 of the Lausanne Convention reads as follows:

The following persons shall not be included in the exchange provided for in Art. 1:—

(*a*) The Greek inhabitants of Constantinople.
(*b*) The Moslem inhabitants of Western Thrace.

All Greeks who were already established before October 30, 1918, within the areas under the Prefecture of the City of Constantinople, as defined by the law of 1912, shall be considered as Greek inhabitants of Constantinople.

All Moslems established in the region to the east of the frontier line laid down in 1913 by the treaty of Bucharest shall be considered as Moslem inhabitants of Western Thrace.

of the Court, Judge Moore not sitting, was handed down on February 21, 1925.

The Court first excluded from its consideration the position of the Œcumenical Patriarchate of Constantinople, on the ground that it was not included in the questions put for the advisory opinion; though the Greek representative had presented the view that apart from any question of establishment at Constantinople the prelates of the Orthodox Church were exempt from exchange. The meaning of "established" was to be determined, not in the abstract, but as the word had been used in Art. 2 of the convention. This was held to be a question of international law, and not a question of domestic concern between the administration and the inhabitants. Art. 2 of the convention operated to withdraw persons otherwise covered by Art. 1. The French *établissement* —the French language being controlling—embraces both residence and stability. It has much in common with the conception of domicile in several modern legal systems, but the convention refers rather to a situation of fact than to the legal sense of the term according to any national legislation. There is no indication that the authors of the convention had in mind any national legislation, and the word ought to mean the same as to the Greek population of Constantinople and the Moslem population of Thrace. Hence the Court did not approve the Turkish contention that the convention required the Greeks to be *established* according to the Turkish legislation. This involved no derogation from Turkey's sovereign rights, as the Court had decided in the case of the *Wimbledon*, cited in the opinion. Nor was the Court able to approve the Turkish contention that the municipal courts should be left to decide the question, in view of the convention's provisions conferring that function on the Mixed Commission which is alone competent to say whether any Greek inhabitant is *established*.

In respect of the conditions to be fulfilled by *established* persons, the Court was unwilling to go beyond the actual controversy in interpreting Art. 2 of the convention, not being in possession of sufficient information to enable it to do so. The degree of stability required was not susceptible of exact definition. It would be satisfied by a person who came to Constantinople to make his fortune, though he intended subsequently to return to his place

of origin. It was for the Mixed Commission to deal with complex problems of family unity. The origin of persons concerned was of no consequence. The only date to be considered was clearly October 30, 1918, the date of the original armistice with Turkey.

Hence the Court answered the two questions before it by saying that the purpose of the word *established* in Art. 2 of the Lausanne Convention was to refer to a situation of fact constituted by residence of a lasting nature, and that to be exempt persons must reside within the boundaries of the Prefecture of the City of Constantinople as defined by the law of 1912, having arrived from any other place prior to October 30, 1918, with intention to remain for an extended period.

The advisory opinion was communicated to the Council and considered by that body at its 33rd session in March, 1925. Meanwhile, the question of the Patriarchate had become acute. It was brought before the Council by the Greek Government, and Turkey having denied the Council's jurisdiction, the Council requested another advisory opinion of the Court on the question of its jurisdiction. This matter will be on the docket of the Court when it meets on June 15, 1925, for its annual ordinary session.

## Fourth Judgment of the Permanent Court of International Justice (Chamber of Summary Procedure)—Interpretation of Reparation Clause in the Peace Treaty of Neuilly[1]

**Interpretation of a previous judgment, under Art. 60 of the Court's Statute, will not be granted when it would go beyond the limits of the judgment itself.**

On September 12, 1924, the Court, sitting as a Chamber of Summary Procedure under Art. 29 of its Statute, gave a judgment as requested by Bulgaria and Greece in a special agreement signed at Sofia on March 18, 1924. The dispute related to the jurisdiction of the arbitrator appointed by M. Gustave Ador

[1]Reported in Publications of the Permanent Court of International Justice, Series A, No. 4.

(Switzerland) under paragraph 4 of the Annex to Section IV of Part IX of the treaty of peace of Neuilly between the Allied Powers and Bulgaria. On November 27, 1924, the Greek Government requested an authoritative and detailed interpretation of the judgment. The request was based on Art. 60 of the Statute which provides that while a judgment is final and without appeal, "in the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party."

The Court asked the Greek agent to make precise the points as to which an interpretation was requested, and on December 30, 1924, the latter responded that construction was desired of the second paragraph of the operative part of the judgment, particularly as to (*a*) the existence of Bulgarian property in Greece which might be used to realize sums awarded by the arbitrator; (*b*) the possible liquidation of Bulgarian landed property in Greece; and (*c*) the right of Greece to apply to the Reparation Commission for a redistribution of reparations paid by Bulgaria.

The Bulgarian Government made no protest against the Court's taking jurisdiction of the request, and the Court based its jurisdiction on the parties' agreement rather than on the strict provisions of Art. 60. The Bulgarian agent submitted a memorandum commenting on the Greek agent's bill of particulars. It appeared that the two parties were addressing themselves, not to the interpretation of the sentence in the treaty of Neuilly to which the judgment of September 12 related, but rather to the applicability of the provision in question, and the Bulgarian agent based his position on a wholly different article of the treaty of Neuilly (Art. 177, i) to which the agreement of March 18, 1924, had not related in any way.

The Court conducted no oral proceedings; but on the basis of the documents submitted, the Chamber of Summary Procedure, composed of President Huber, former President Loder, and Vice-President Weiss, was of opinion that each of the Greek requests "envisages a matter other than the determination of the basis and extent of the obligations referred to in the clause in question." Yet the Court's only competence to give an authoritative interpretation of its judgment had to be based on Art. 60 of the Court Statute, and in so acting it had no power to go beyond the limits of the judgment interpreted which in this

case were fixed by the agreement of March 18, 1924. Hence the Court refused to grant the Greek request for an interpretation.

## Fifth Judgment of the Permanent Court of International Justice—The Mavrommatis Jerusalem Concessions[1]

**The British Government as mandatory had bound itself to respect certain concessions in Palestine, and while a grant of new concessions may not have been in conformity with its obligations no loss resulted and hence no liability for indemnity is imposed.**

On August 30, 1924, by its second judgment, the Court dismissed an objection taken by His Britannic Majesty's Government to its jurisdiction to consider the application of the Greek Government in this case, and reserved for judgment on the merits that part of the Greek Government's application which related to the concessions at Jerusalem. These concessions were alleged to have been granted by Turkey in 1914 to a Greek named Mavrommatis, and in the application filed with the Court's Registry on May 13, 1924, the Greek Government asked the Court to declare that the Government of Palestine and consequently also the Government of His Britannic Majesty as mandatory had wrongfully refused to recognize them and that reparation should be made for the loss incurred by Mavrommatis. The Greek case which was filed on May 23, 1924, asked for judgment for £121,045, in respect of the Jerusalem concessions, with interest at six per cent from July 20, 1925. After the Court's judgment that it had jurisdiction, the British counter-case was filed on January 1, 1925, the Greek reply on January 10, and the British rejoinder on January 26. The hearing of the suit was begun on February 10, and continued until February 14. M. Politis, Greek Minister at Paris, and Mr. Purchase appeared for the Greek Government, and Sir Douglas Hogg, Attorney-General, appeared for His Britannic Majesty's Government.

The Court found the facts to be that on January 27, 1914, the City of Jerusalem granted two concessions as to electric power and the supply of drinking water to M. Mavrommatis,

[1]Reported Publications of the Permanent Court of International Justice, Series A, No. 5.

described as an "Ottoman subject residing at Constantinople," who had the financial support of a Paris banking house. Certain plans were drawn up, and at the beginning of the war the time for executing them was extended by the Jerusalem Municipal Council. After the war, Great Britain became the mandatory for Palestine, and in 1920 a civil administration was set up, though the terms of the mandate were not fixed until July 24, 1922, and it did not come into force until September 29, 1923. On April 16, 1921, M. Mavrommatis offered to the new Government of Palestine to accept the applicable provisions of the Treaty of Sèvres, to draw up new plans and to suggest modifications necessitated by new conditions. Apparently he still had the backing of the Paris banking house, though it was later withdrawn. The negotiations begun related chiefly to the nationality of M. Mavrommatis. It seems to have been suggested to him that he should seek an understanding with M. Rutenberg who was also interested in Palestine concessions and to whom a concession was later granted. The diplomatic situation became very complicated, but negotiations between Mavrommatis and British or Palestine authorities continued, and the former's Greek nationality came to be admitted. The Colonial Office in London seemed willing to deal with him, until a late date, on the basis of the treaty of Sèvres; but finally getting no satisfaction, and contending that the effect of the Rutenberg concessions had been to annul the Mavrommatis concessions, Mavrommatis sought to arbitrate. Meanwhile the Greek Legation in London approached the British Foreign Office. At one time, the Colonial Office seemed to be on the point of agreeing to arbitration before a judge of the English High Court. The situation changed with the signing of the protocol of Lausanne, July 23, 1923, relating to concessions. Mavrommatis acted on a suggestion of the Colonial Office in submitting a claim under it, and further negotiations ensued.

The Court first stated the jurisdiction which it was exercising, confining it to the narrow question whether the Mavrommatis concession fall under Arts. 4 and 5 or Art. 6 of the protocol. This involved a consideration of the validity of the concessions, their relation to the Rutenberg concessions, and the possible damage to Mavrommatis as a result of the mandatory's violating

its international obligations. The British contention that the mistake as to Mavrommatis' nationality had vitiated the concessions granted to him was not upheld, no Turkish law to that effect being shown. Moreover, the Court was of opinion that the mistaken reference to nationality did not prevent the concession from falling within Art. 9 of the protocol of Lausanne. That article is therefore applicable, and Palestine is subrogated to the obligations of Turkey to Mavrommatis.

The Rutenberg concessions were admitted to overlap the Mavrommatis concessions, but Rutenberg had undertaken to respect the latter and had renounced the privilege of demanding expropriation of Mavrommatis concessions. But the Court holds that "so long as M. Rutenberg possessed the right to require the expropriation of the Mavrommatis concessions," the mandatory was violating obligations assumed in the protocol of Lausanne. While in the course of the negotiations, "the possibility of expropriating M. Mavrommatis' concessions or of ceding them to M. Rutenberg was considered," no decision to this effect had been taken. Indeed the British Government had "declared that it will allow M. Mavrommatis full liberty to put into execution his Jerusalem concessions." No loss was proved to have accrued to Mavrommatis as a consequence of the Rutenberg agreement, therefore, and even if the latter be regarded as contrary to the mandatory's obligation, no claim for compensation can be based upon it.

The Court then dealt with the question whether M. Mavrommatis was entitled to have his concessions re-adapted in accordance with economic conditions as changed by recent events. By the provisions of the protocol of Lausanne, this depends on whether they had begun to be put into operation prior to July 23, 1923. The British contention was that work must actually have been begun, but this was not allowed by the Court. The preliminary drafts of the protocol of Lausanne were resorted to in support of the Court's view that it was a more general "application of the contracts" that was intended. M. Mavrommatis, by arranging for deposits and by submitting plans, had begun such application. The Court concluded therefore that the concessions granted to M. Mavrommatis fell within Art. 4 of the protocol of Lausanne, and "that they should be brought into conformity

with the new economic conditions by means of re-adaptation." It was not the province of the Court, however, to say how this re-adaptation should be effected.

The judgment of the Court was, therefore, that: 1) the concessions granted to M. Mavrommatis were valid; 2) the existence for a time of a right on the part of M. Rutenberg to require their annulment was a breach of the mandatory's international obligations; 3) no loss resulted from this breach; 4) the Greek Government's claim for indemnity should therefore be dismissed; and 5) that Art. 4 of the protocol of Lausanne is applicable to require their re-adaptation.

All the judges concurred, except for Judge Altamira's dissent from the third and fourth conclusions.

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# [5th] YEARBOOK

*of the*

# LEAGUE OF NATIONS

## 1925

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# World Peace Foundation

## Boston, Massachusetts

*FOUNDED IN 1910 BY EDWIN GINN

The corporation is constituted for the purpose of educating the people of all nations to a full knowledge of the waste and destructiveness of war, its evil effects on present social conditions and on the well-being of future generations, and to promote international justice and the brotherhood of man; and, generally, by every practical means to promote peace and good will among all mankind.—*By-laws of the Corporation.*

It is to this patient and thorough work of education, through the school, the college, the church, the press, the pamphlet and the book, that the World Peace Foundation addresses itself.—Edwin Ginn.

The idea of force can not at once be eradicated. It is useless to believe that the nations can be persuaded to disband their present armies and dismantle their present navies, trusting in each other or in the Hague Tribunal to settle any possible differences between them, unless, first, some substitute for the existing forces is provided and demonstrated by experience to be adequate to protect the rights, dignity and territory of the respective nations. My own belief is that the idea which underlies the movement for the Hague Court can be developed so that the nations can be persuaded each to contribute a small percentage of their military forces at sea and on land to form an *International Guard or Police Force.*—Edwin Ginn.

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# PREFACE

The present *Yearbook* continues the series begun by Charles H. Levermore in 1921 and published by the Brooklyn *Daily Eagle* and also the *Handbook* first published by World Peace Foundation in 1923. The *Yearbook* was projected before the first issue of the *Monthly Summary of the League of Nations* was brought out by the Information Section in April, 1921, and was published during a period when the World War aftermath was being liquidated by frequent diplomatic conferences outside the framework of the League of Nations. It was given a chronological form and it was made to include information concerning many international events with which the League of Nations had no connection. The *Handbook* was a bare topical summary of essential facts concerning the activities of the League.

World Peace Foundation undertook to continue the *Yearbook* when its compiler decided to give up his task in 1924. The *Monthly Summary* had then taken on a settled form, and there was no adequate reason for duplicating its authentic chronological record of all League activities. The League's policy of publishing and placing on sale through its agents in all countries all documents which had been given a final form raised a serious bar to a mere compression of documentation by compiling extensive quotations from them. The result would serve neither the general public for informational purposes nor the specialist for purposes of detail, which are best determined from the documents themselves as found on the library shelves. Moreover, the League of Nations is a slow-moving body, its action depending upon the possibility of securing the maximum of agreement among 55 Member states since the Fifth Assembly. It was obvious that any annual publication dealing with its activities must, at any date, draw on the past to make current decisions intelligible and must leave many questions without their final answer.

These editorial considerations have determined the form of the present *Yearbook*, fifth in the series of that title and third in the *Handbook* series. It is intended to be a manual, affording

essential information respecting every phase of the League's organization, summarizing constitutional and other necessary facts with all possible accuracy, and bringing every notice up to the latest available decision.

When preparation of the manuscript under the conditions imposed by these conclusions was begun, it was found that probably by no other method could an intelligible view of the League's multifarious activities have been given within a reasonable space. The human affairs which have become common to many nations instead of the concern of one are both numerous and multiplying, and have many ramifications. States Members of the League seek their solution or their improvement through the international mechanism it provides. Its existence enables them to take up easily through its agency questions which otherwise would have to be laboriously pursued through bipartite negotiations. Most of such questions are technical. Their importance can be appreciated only by indicating their significance. This, it is hoped, has been adequately done.

One explanation should be made here. League committees and other bodies are made up either of government representatives or of qualified individuals. The former are indicated by adding the name of the state in parentheses after the person's name; the latter by adding the proper adjective of nationality. For instance, in the Standing Health Committee Surgeon-General Cumming (United States) is one of the ten members named by the Comité international d'Hygiène publique, an official international body. Dr. Alice Hamilton (American) serves by appointment of the Council as an individual expert.

Back numbers of the Second, Third and Fourth *Yearbooks* may be secured from World Peace Foundation.

D. P. M.

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# PART I. ORGANIZATION

## I. MEMBERS OF THE LEAGUE

**Membership.** The League of Nations results from the agreements made and the obligations accepted by the contracting states in the Covenant. The contracting states are defined in the Covenant as Members of the League of Nations.

Members of the League are "original" or "admitted."

Original Members are named in an annex to the Covenant in two groups. The first group acquired membership by ratification of the treaties of peace, in which the text of the Covenant appears. This first group were signatories "of the first part" of the treaties of peace. The second group, consisting of neutrals in the World War which were not parties to the treaties of peace, acceded to the Covenant as a separate document, without reservations.[1]

Admitted Members consist of any other "fully self-governing state, dominion or colony" whose "admission is agreed to by two-thirds of the Assembly." An admitted member "shall give effective guaranties of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military, naval and air forces and armaments."

**Growth.** The League of Nations formally came into being by the official deposit of the ratifications of the treaty of Versailles at the French Foreign Office, at Paris, on January 10, 1920, at 4.15 P.M. By that deposit the component parts of the British Empire, France, Italy, Japan, Belgium, Bolivia, Brazil, Czechoslovakia, Guatemala, Panama, Peru, Poland, Siam and Uruguay became the first 19 members of the League of Nations, including the British self-governing dominions and India.

Within the next two months 42 of the states named in the Annex to the Covenant had become original Members of the League. The signatories of a treaty of peace acquired that status

[1]For some details of ratifications, see *Three Months of the League of Nations*, p. 7–10 (this Series, III, Nos. 1–2). The recognition of Switzerland's perpetual neutrality by resolution of the Council dated February 13, 1920, is not regarded as a reservation.

by ratification in accordance with constitutional practices. Those which were not signatories of such a treaty acceded to the Covenant as a separate instrument after the parliamentary adoption of an act authorizing such accession.

States admitted to the League by vote of the Assembly have based their applications upon parliamentary or government action, having the effect of a conditional ratification of the Covenant previous to action by the Assembly.[1]

MEMBERS OF THE LEAGUE OF NATIONS, JULY 1, 1925—55

| *State* | *Member from* |
|---|---|
| Abyssinia | September 28, 1923 |
| Albania | December 17, 1920 |
| Argentina | July 18, 1919 |
| Australia | January 10, 1920 |
| Austria | December 15, 1920 |
| Belgium | January 10, 1920 |
| Bolivia | January 10, 1920 |
| Brazil | January 10, 1920 |
| British Empire | January 10, 1920 |
| Bulgaria | December 16, 1920 |
| Canada | January 10, 1920 |
| Chile | November 4, 1919 |
| China | July 16, 1920 |
| Colombia | February 16, 1920 |
| Costa Rica | December 16, 1920 |
| Cuba | March 8, 1920 |
| Czechoslovakia | January 10, 1920 |
| Denmark | March 8, 1920 |
| Dominican Republic | September 29, 1924 |
| Esthonia | September 22, 1921 |
| Finland | December 16, 1920 |
| France | January 10, 1920 |
| Greece | March 30, 1920 |
| Guatemala | January 10, 1920 |
| Haiti | June 30, 1920 |
| Honduras | November 3, 1920 |
| Hungary | September 18, 1922 |
| India | January 10, 1920 |
| Irish Free State | September 10, 1923 |
| Italy | January 10, 1920 |
| Japan | January 10, 1920 |
| Latvia | September 22, 1921 |
| Liberia | June 30, 1920 |
| Lithuania | September 22, 1921 |
| Luxemburg | December 16, 1920 |
| Netherlands | March 9, 1920 |
| New Zealand | January 10, 1920 |
| Nicaragua | April, 1920 |
| Norway | March 5, 1920 |
| Panama | January 10, 1920 |
| Paraguay | December 26, 1919 |
| Persia | November 21, 1919 |
| Peru | January 10, 1920 |
| Poland | January 10, 1920 |
| Portugal | April 8, 1920 |
| Rumania | April 7, 1920 |
| Salvador | March 10, 1920 |
| Serb-Croat-Slovene State | February 10, 1920 |
| Siam | January 10, 1920 |
| South Africa | January 10, 1920 |
| Spain | January 10, 1920 |
| Sweden | March 9, 1920 |
| Switzerland | March 8, 1920 |
| Uruguay | January 10, 1920 |
| Venezuela | March 3, 1920 |

[1]Application of Latvia, May 14, 1920, A. D. 6, 1920; application of Finland, citing decision of Parliament, May 28, 1920, A. D. 9, 1920; application of Esthonia (resolution of Constituent Assembly, April 15), April 19, 1920, A. D. 4 and 23, 1920. In some instances, the application does not cite parliamentary action but the application is made under instructions from the Government, as in the case of Bulgaria and Costa Rica (A. D. 43 and 22, 1920).

# II. NONMEMBERS OF THE LEAGUE

STATES NOT MEMBERS—9

| | |
|---|---|
| Afghanistan | Mexico |
| Ecuador | Russian Union of Socialist Soviet Republics |
| Egypt | Turkey[2] |
| Germany[1] | United States of America |
| Hejaz | |

The states listed above would seem to be eligible for admission to the League of Nations according to the customary concepts of international law.

There are sundry territorial entities which do not exercise normal international attributes by reason of their size, paucity of international relations or relationship with other states.

Liechtenstein, Monaco and San Marino applied for admission to membership in 1920. The First Assembly, without acting directly upon the application of Liechtenstein but envisaging it, recommended that the Special Committee to consider amendment of the Covenant "should also consider whether and in what manner it would be possible to attach to the League of Nations sovereign states which, by reason of their small size, could not be admitted as ordinary members." The Second Assembly adopted a report from its First Committee that definite conditions should not be laid down in connection with small states until further experience was gained.[3]

In order that the application of the opium convention of February 19, 1925, should be as wide as possible, the Council on March 14, 1925, authorized the Secretary-General to make the necessary communications "to enable the competent authorities to sign or to accede to the convention on behalf of the following countries or the necessary measures to be taken for the application of the

[1]Germany inquired of the Council respecting conditions of entry on December 12, 1924, the Council replying on March 14, 1925 (*Official Journal*, VI, p. 323 and 490).

[2]The Government has decided to apply for admission.

[3]*Records of Second Assembly. Plenary Meetings*, p. 820.

convention in those countries: Afghanistan, Andorra,[1] Ecuador, Hejaz, Iceland,[2] Liechtenstein, Mexico, Monaco,[3] Union of the Socialist Soviet Republics, San Marino,[4] Sudan."[5] It will be noticed that the wording of the resolution does not prejudge the international status of the entities mentioned.

## COOPERATION OF NONMEMBER STATES

### United States Government Representatives Accredited to the League of Nations

Grace Abbott, delegate appointed by the United States Government, attended the Second Session of the Advisory Committee on Traffic in Women and Children, held at Geneva, March 4–27, 1923; member of Advisory Committee.

Dr. Rupert Blue, formerly U. S. Surgeon-General, member of Advisory Committee on Traffic in Opium, attended Fourth and Fifth Sessions, 1923; delegate to Second Opium Conference, 1924–25.

Roland W. Boyden, delegate to Brussels Financial Conference, 1920, assisted by Keith MacLeod, and Col. R. H. Hess as advisers, and Thomas Shaw, secretary.

Bishop Charles H. Brent, member of Advisory Committee

[1]The Republic (191 square miles) is under the joint suzerainty of the head of the French State and of the Spanish Bishop of Urgel. It has paid an annual tribute of 960 francs to the head of the French State since the days of the Emperor Charlemagne and it pays annually 460 pesetas to the Bishop of Urgel.

[2]The Kingdom is united with Denmark by a personal act of union. The Danish law of November 30, 1918, providing for the union declares Denmark and Iceland to "be free and sovereign States" (Sec. 1); but "Denmark shall attend on Iceland's behalf to its foreign affairs" (111 *British and Foreign State Papers*, 703). Treaties to which Iceland is a party are regularly registered with the Secretariat by the Danish Ministry of Foreign Affairs.

[3]The foreign relations of the Principality (8 square miles) are conducted by France in virtue of the treaty of July 17, 1918, which provides in Art. 2 that "measures concerning the international relations of the principality shall always form the subject of a prior understanding between the Princely Government and the French Government" (111 *British and Foreign State Papers*, 727).

[4]The Republic (38 square miles) has treaties regulating relations with Italy. Otherwise, the republic has only extradition treaties in force which have been negotiated through the diplomatic representatives of the other contracting states in Rome. The republic maintains no foreign service except a consul general at London.

[5]*Official Journal*, VI, p. 489.

on Traffic in Opium at the Fifth Session, 1923; delegate to Second Opium Conference, 1924–25.

Theodore E. Burton, former senator from Ohio; member of the Committee on Foreign Affairs, House of Representatives; president of the Delegation to the International Conference on the Control of the Traffic in Arms and Munitions.

Surgeon-General Hugh S. Cumming, U. S. Public Health Service, member of the Standing Health Committee.

Fred R. Dolbeare, member of Committee on Loan for Greek Refugees, appointed in connection with the discussions of the Financial Committee on the loan.

Dr. Marion Dorset served on the Anthrax Commission of the International Labor Office.

Allen W. Dulles, chief of the Division of Near Eastern Affairs, Department of State; member of the Delegation to the International Conference on the Control of the Traffic in Arms and Munitions.

Hugh S. Gibson, minister plenipotentiary of the United States to Switzerland; representative of the United States on the Temporary Mixed Commission on Armaments, 1924, vice-president of the American Delegation to the International Conference on the Control of the Traffic in Arms and Munitions.

Joseph C. Grew, former American minister to Switzerland, attended the ninth meeting of the Temporary Mixed Commission on Armaments.

Lewis W. Haskell, American consul at Geneva, attended the Second General Conference on Communications and Transit, 1923, also attended Conference on Customs Formalities, 1923, assisted by the following experts: Henry Chalmers, chief of the bureau of foreign tariffs of the Bureau of Foreign and Domestic Commerce; Gilbert Hirsch, of the U. S. Tariff Commission; C. B. Wait, Customs Attaché at London; and H. I. Worley, of the U. S. Customs Service.

Charles E. Herring, commercial attaché, United States Embassy at Berlin, assistant member of the Delegation to the International Conference on the Control of the Traffic in Arms and Munitions.

Commander Herbert Leary, U.S.N., assistant member of the Delegation to the International Conference on the Control of the Traffic in Arms and Munitions.

Col. James A. Logan, Jr., unofficial representative of the United States on the Reparation Commission, participated in discussions on the Loan for Greek Refugees.

Rear Admiral Andrew T. Long, member of the American Delegation to the International Conference on the Control of the Traffic in Arms and Munitions.

Alexander R. Magruder, Chargé d'Affaires at Bern, acted in consultative capacity at the Conference on Obscene Publications.

Edwin L. Neville, of the Division of Far Eastern Affairs, Department of State, official United States delegate to the Opium Preparatory Committee on the Program for the General Opium Conference, Geneva, November, 1924; delegate to Second Opium Conference, 1924–25.

Vice-Admiral Albert P. Niblack, U.S.N., retired, member of Directing Committee of the International Hydrographic Bureau.

Hon. Stephen G. Porter, member of Advisory Committee on Traffic in Opium at the Fifth Session, 1923; delegate to Second Opium Conference, 1924–25.

Brigadier General Colden L' H. Ruggles, assistant chief of Ordnance, War Department; member of the Delegation to the International Conference on the Control of the Traffic in Arms and Munitions.

Dr. Howard F. Smith, of Manila, assisted Chief Commissioner of the Health Section on Mission of Inquiry in Far East.

Major George W. Strong, U.S.A., assistant member of the Delegation to the International Conference on the Control of the Traffic in Arms and Munitions.

Alan F. Winslow, secretary, American Legation to Switzerland; assistant member of the Delegation to the International Conference on the Control of the Traffic in Arms and Munitions, assistant to Joseph C. Grew, at ninth meeting of Temporary Mixed Commission on Armaments.

Mrs. Hamilton Wright, delegate to Second Opium Conference, 1924–25.

## Americans Cooperating Unofficially

*Communications and Transit*

Willis H. Booth, President of the International Chamber of Commerce, member of subcommittee on Calendar Reform.

Walker D. Hines, director general of United States railroads,

1919–20, arbitrator of river shipping questions under the peace treaties, director of investigation of navigation conditions on the Danube and the Rhine.

Major Brehon B. Somervell, U.S.A., former assistant chief of staff at Coblenz, assistant to the district engineer, First New York Division, War Department, on leave of absence as assistant to Mr. Hines.

Basil Miles, American Administrative Commission of the International Chamber of Commerce, attended Second General Conference on Communications and Transit, November, 1923.

*Customs Formalities*

Edward L. Bacher, of the United States Chamber of Commerce, participated in Conference on Customs Formalities, 1923.

Edgar Carolan, Vice-President of the International General Electric Company, represented the International Chamber of Commerce at the Conference on Customs Formalities, 1923.

Everit B. Terhune, of the United States Chamber of Commerce, participated in the Conference on Customs Formalities, 1923.

*Economic and Financial Organization*

Nelson D. Jay, trustee of the Austrian loan.

W. P. G. Harding, member of Hungarian Committee of the Council of the League.

J. B. Robinson, representative of International Chamber of Commerce before Committee of Government Experts on Double Taxation.

Prof. Edwin R. A. Seligman, Columbia University, member of Committee on Double Taxation.

Jeremiah Smith, Jr., commissioner-general for Hungary.

*Health Organization*

Dr. John J. Abel, of the Johns Hopkins Medical School, participated in the work of the Conference on Standardization of Biological Remedies, 1923.

Dr. C. Armstrong, Hygienic Laboratory, U. S. Public Health Service, participated in Technical Laboratory Conference on Serodiagnosis of Syphilis, Copenhagen, November 19–December 3, 1923.

Frank G. Boudreau, temporary member of Health Section.

Dr. Samuel Taylor Darling of Baltimore of the Rockefeller Foundation, member of the Malaria Commission (killed in Lebanon, May 22, 1925, in automobile accident to members of the commission).

Dr. William H. Davis, chief statistician of vital statistics, Bureau of the Census, member of committee on the tabulation of primary causes of death.

Thomas J. Duffield, field epidemiologist.

Dr. R. E. Dyer, Hygienic Laboratory, U. S. Public Health Service, participated in Technical Laboratory Conference on Serodiagnosis of Syphilis, Copenhagen, November 19–December 3, 1923.

Dr. Otto R. Eichel, of the New York State Health Service, temporary member of Health Section (died at Geneva, December, 1924).

Mr. S. M. Gunn, of the Rockefeller Foundation, participated in the Conference of Delegates of the Public Health Personnel Interchanges, held at London, April 10, 1923.

Dr. Alice Hamilton, Harvard Medical School, assessor of the Standing Health Committee.

Drs. Jason, Waterman and Brock C. Hampton are preparing, by arrangement with Surgeon-General Cumming, a report on public health in the United States.

Dr. George W. McCoy, Director of Hygienic Laboratory, U. S. Public Health Service, attended a meeting of the subcommittee on anti-tetanus and diphtheria sera.

Prof. Raymond Pearl, Johns Hopkins University, member of Committee on Age and Sex Classification for examination of international vital statistics.

Edgar Sydenstricker, statistical service of the Health Committee.

Dr. Carl Voegtlin, Hygienic Laboratory, U. S. Public Health Service, participated in the work of the Conference on Standardization of Biological Remedies, 1923.

Miss Dorothy Wiehl, statistical assistant, Health Committee.

Prof. Edwin B. Wilson, Harvard University, member of committee of experts determining standards of death rates.

Dr. Charles-Edward A. Winslow, Yale Medical School, member of Provisional Health Committee, representing League of Red Cross Societies.

Dr. Hans Zinsser, of the Harvard Medical School, went to Russia in the summer of 1923 as Epidemic Commissioner for the Health Section of the League of Nations to confer with the Russian authorities in an experiment in Cholera and Typhoid Vaccination and to report on the cholera situation.

The Rockefeller Foundation is appropriating $60,080 a year for the interchange of public health personnel, and $32,840 a year for the epidemiological intelligence service. In 1923, further grants of $10,500 for 1923, and $21,000 for 1924, were made to be used to enlist the cooperation of health statisticians. In 1924 a grant of $125,000 was made to support for five years the epidemiological bureau at Singapore.

*Intellectual Cooperation*

Dr. Algernon Coleman, Director of the American University Union in Europe, assisted at the Third Session, and was also appointed a member of the Directing Board of the International University Information Office, Geneva.

H. W. Dorsey, chief clerk of the Smithsonian Institution, member of the expert committee on the international exchange of publications.

George Ellery Hale, President of National Research Council, member at First Session.

Waldo G. Leland, of the Carnegie Institute, replaced Professor Millikan at the Third Session of the Committee.

Prof. Robert Andrews Millikan, California Technological Institute, member of the Committee on Intellectual Cooperation.

Prof. J. R. Schramm, Cornell University, member of subcommittee on Bibliography.

Col. John H. Wigmore, Northwestern University Law School, substituted for Professor Millikan at Second Session, assisted by Prof. Paul Perigord.

Prof. Allyn A. Young, Harvard University, collaborated in studies.

The Institute of International Education of New York and the American University Union cooperated with the International Committee on Intellectual Cooperation before the formation of an American national committee on intellectual cooperation.

*Mediations*

Abram I. Elkus, former ambassador to Turkey, judge of the New York Court of Appeals, member of the Commission of Rapporteurs for the Aaland Islands dispute.

Norman H. Davis, president of the commission appointed by the Council to report on the settlement of the Memel question, assisted by Arthur Bullard.

*The Permanent Court of International Justice*

John Bassett Moore, elected judge of the Permanent Court, September 14–15, 1921, to serve nine years.

Elihu Root, former Secretary of State, served as a member of the Committee of Jurists to formulate the Draft Scheme.

James Brown Scott assisted Elihu Root on the Committee of Jurists to formulate the Draft Scheme.

*Reduction of Armament, Temporary Mixed Commission on*

Prof. Walter B. Cannon, Harvard University, member of committee on bacteriological and chemical warfare.

Prof. William H. Welch, of Johns Hopkins University, member of committee on bacteriological and chemical warfare.

Prof. J. Enrique Zanetti, Columbia University, member of committee on bacteriological and chemical warfare.

*Secretariat*

Ruth Bache-Wiig, formerly Indexer in Library.

Alice C. Bartlett, Assistant Librarian.

Miss M. E. Day, formerly Assistant Librarian.

Miss R. Elwood, secretary, Mandates Section.

Raymond B. Fosdick, former Under Secretary-General.

Huntington Gilchrist, former member of Administrative Commissions Section.

John Raeburn Green, formerly temporary member, Legal Section.

Manley O. Hudson, professor of international law, Harvard Law School, some time member of Legal Section.

Howard R. Huston, head of Establishment Department.

Helen R. Keller, formerly Assistant Librarian.

Whitney H. Shepardson, assisted former Under Secretary-General Raymond B. Fosdick.

Arthur Sweetser, Assistant Director, Information Section.

Sarah Wambaugh, temporary member, 1920, Administrative Commissions Section.

Florence Wilson, Librarian.

*Social Questions*

Col. Ernest P. Bicknell, vice-president of the American Red Cross in Europe during the World War, member of the preparatory committee to study the project for an international federation for mutual assistance in the relief of peoples overtaken by disaster.

Emma D. Cushman, member of Committee on Deportation of Women and Children.

Major C. Claflin Davis, of the Red Cross, served as a member of the Commission for the Relief of Refugees, also Mr. A. C. Ringland of the Near East Relief.

Charles P. Howland, of New York, member of Commission for the Permanent Settlement of Greek Refugees.

Miss Caris E. Mills, directress, League of Nations House, Constantinople.

Henry Morgenthau, former ambassador to Turkey, member of Commission for the Permanent Settlement of Greek Refugees.

Col. Robert Edwin Olds, European commissioner of the American Red Cross in Europe during the World War, member of the preparatory committee to study the project for an international federation for mutual assistance in the relief of peoples overtaken by disaster.

Reginald Heber Smith, Secretary of the American National Committee on Legal Aid Work, prepared report for Fifth Assembly. The committee provided funds for a special conference on this subject held in Geneva, July, 1924.

*Traffic in Opium*

Mrs. Hamilton Wright, assessor on Advisory Committee.

*Traffic in Women and Children*

Dr. Josephine Baker, member of the Health Committee, assisted at Conference on Traffic in Women and Children, 1921.

Major Bascom Johnson has been appointed assessor on the

Committee of Inquiry into the extent of the international traffic in women and children; assessor of Committee on Traffic in Women and Protection of Children.

Col. William F. Snow, director of the American Social Hygiene Association, chairman of Body of Experts to inquire into extent of international traffic in women and children.

Social Hygiene Bureau of New York devoted $75,000 to this investigation.

*International Labor Office*

Prof. Edith Abbott, University of Chicago, president of the Committee on Human Migration of the Social Science Research Council, member of Permanent Emigration Committee.

Dr. John B. Andrews, secretary of the Committee on Unhealthy Processes, Conference of International Labor Office, 1919.

Prof. John R. Commons, Department of Political Economy, University of Wisconsin, member of Permanent Emigration Committee.

Mr. C. I. Crissey, of Michigan, assisted in work at Geneva.

Fred C. Croxton, expert on Advisory Committee on Emigration of the International Labor Office.

Horace A. Davis, of Boston, assisted in work at Geneva.

William A. DuPuy, of Washington, assisted in work at Geneva.

Prof. Henry Pratt Fairchild, immigration expert of the National Research Council, member of Permanent Emigration Committee.

Prof. Herbert Feis, University of Kansas, assisted in work at Geneva.

Andrew Furuseth, president of the International Seamen's Union of America, attended second Conference of International Labor Office, 1920.

Ernest Greenwood, American correspondent, 1920–24.

Sidney L. Gulick, writer on Japanese immigration, member of Permanent Emigration Committee.

Miss Hurlbutt, International Migration Service, member of Permanent Emigration Committee.

Walter W. Husband, commissioner general of immigration, Department of Labor, member of Permanent Emigration Committee.

Jeremiah W. Jenks, Secretary of the Immigration Commission (1907), author of works on immigration questions, member of Permanent Emigration Committee.

Prof. Bascom Johnson, Director of the American Social Hygiene Association, expert taking part in the inquiry of the Committee on Traffic in Women and Children of the League of Nations, member of Permanent Emigration Committee.

Ruth Larned, former secretary of the Migration Section of the World's Young Women's Christian Association, secretary of the International Migration Service, member of Permanent Emigration Committee.

Dr. Harry H. Laughlin, eugenics expert of the Immigration Committee of the House of Representatives of the United States, member of Permanent Emigration Committee.

Prof. Frederic S. Lee, Columbia University, member of the Fatigue Subcommittee of the Correspondence Committee on Industrial Hygiene.

Leifur Magnusson, American correspondent, 1924– .

Dr. Royal Meeker, former Chief of the Research Division.

Mrs. Leroy B. Mitchell (Miss Ruth Crawford) of the Foreign Language Information Service, member of Permanent Emigration Committee.

Mr. Reninger, vice-chairman of the National Safety Council and member of the Safety Subcommittee of the Correspondence Committee on Industrial Hygiene.

## Cooperation of Other States

*Ecuador.* Member of the International Labor Organization.

*Egypt.* Participated in the Conference on the Simplification of Customs and other Similar Formalities, Second Opium Conference, and the Conference on the Control of the International Trade in Arms, Munitions and Implements of War.

*Germany.* Member of the International Labor Organization; registers treaties; national representatives on the Committee on Intellectual Cooperation, Advisory Committee on Traffic in Opium, Advisory and Technical Committee for Communications and Transit; participates regularly in conferences convened by the League; has conducted correspondence with the Council with a view to applying for admission to membership.

*Mexico.* Has applied for membership in the International Labor Organization.

*Monaco.* Signed the Convention for the Suppression of the Circulation of and the Traffic in Obscene Publications and the Protocol on Arbitration Clauses in Commercial Matters.

*Russia.* Represented at European Health Conference at Warsaw, 1922; participating in health activities generally; cooperated in repatriating prisoners of war; represented at conference to apply the principles of the Washington treaty on limitation of naval armament to the world.

*Turkey.* Has assisted League humanitarian commissions working in her territory; has been a party to disputes coming before the Council; participated in the Second General Conference on Communications and Transit, Second Opium Conference, and the Conference on the Control of International Trade in Arms, Munitions and Implements of War.

# III. ORGANS

"Action of the League under this Covenant shall be effected through the instrumentality of an Assembly and of a Council, with a permanent Secretariat."—*Covenant*, Art. 2.

## 1. THE ASSEMBLY

**Functions.** "The Assembly shall consist of representatives of the Members of the League."

The Assembly meets annually at Geneva on the first Monday in September.

"The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world."

"At meetings of the Assembly each Member of the League shall have one vote, and may have not more than three Representatives."

The Assembly has certain duties peculiar to it under the Covenant. Among these are:

Admission of new Member states, of which 13 were favorably acted upon by a two-thirds vote in the first five Assemblies.

Election of nonpermanent Member states represented on the Council, which is an annually recurring duty. The elections take place by secret ballot and are decided by majority vote.

Approval of additional Members represented on the Council. Two additional nonpermanent Members of the Council were approved by the Assembly of 1923.

Approval of the Council's nomination of a Secretary-General, a duty not yet exercised.

A report to the First Assembly adopted on December 7, 1920, states:[1]

> It is impossible to consider the Assembly as a chamber of deputies and the Council as an upper chamber. . . .
>
> It is equally impossible to consider the Council as invested with the executive and the Assembly with the legislative power. . . .

[1]*Records of the First Assembly. Plenary Meetings*, p. 318.

There are . . . matters referred to in the Covenant which are not within the competence [of the Assembly or Council], but require the concurrence and action of the Governments concerned in the form of international conventions, such as the serious questions contemplated by Art. 23, pars. a, b, e, f. In these matters one must not forget that the responsibility of the Governments represented at the Assembly, which is external to the Assembly, can not be engaged. The action of the Assembly should accordingly take the form of a recommendation or invitation leading up to agreement between the Governments.[1]

The Assembly prepared the Protocol of Signature covering the Statute of the Permanent Court of International Justice and the Protocol for the Pacific Settlement of International Disputes. So far as such documents are signed at Geneva by delegates to the Assembly, the delegates act by virtue of credentials issued by their Governments for that specific purpose.

"Under the Covenant, representatives sitting on the . . . Assembly render their decisions as the representatives of their respective states, and in rendering such decisions they have no standing except as such representatives."[2]

The agenda of an Assembly includes:[3]

"A report on the work of the Council since the last session of the Assembly, on the work of the Secretariat, and on the measures taken to execute the decisions of the Assembly;

"Items . . . ordered . . . by the Assembly at a previous session, items proposed by the Council and items proposed by any Member of the League;

"The budget for the next fiscal period and the report on the accounts of the last fiscal period."

**Procedure.** President and board of 12 vice-presidents, six of whom are chairmen of committees in which work is first studied and recommendations formulated.

Questions are first dealt with in committees consisting of one representative of each Member state. Sessions public; minutes published; reports to Assembly.

Assembly debates annual reports on work of the Council, the Secretariat and the International Labor Office.

[1]*Records of the First Assembly. Plenary Meetings*, p. 319–20.

[2]*Ibid.*, p. 320; *Resolutions Adopted by the Assembly during its First Session*, p. 10.

[3]Rules of Procedure of the Assembly (C. 356 (1). M. 158 (1). 1923. V), Rule 4.

Passes upon reports of committees, expressing its conclusions by unanimous vote in resolutions.

**Committees.** The Assembly divides into the following general committees in which each Member state is represented:

Constitutional questions (First);
Technical organizations (Second);
Reduction of armaments (Third);
Budget and financial questions (Fourth);
Social and general questions (Fifth);
Political questions (Sixth).

Each Assembly has also special committees, consisting of a limited number of representatives, on credentials, agenda, management.

The Assembly has also had committees dealing with:

General organization (First Assembly);
Secretariat (First Assembly);
Permanent Court of International Justice (First Assembly);
Admission of new members (First Assembly);
Economic weapon or blockade (First and Second Assemblies);
Mandates (First Assembly).

These questions are now handled by the general committees above.

**Meetings.** 1. November 15–December 15, 1920. President, M. Hymans of Belgium. Representatives of 41 Member states present.

2. September 5–October 5, 1921. President, Jonkheer van Karnebeek of The Netherlands. Representatives of 45 Member states present.

3. September 4–30, 1922. President, Agustín Edwards of Chile. Representatives of 46 Member states present.

4. September 3–29, 1923. President, Cosme de la Torriente y Peraza of Cuba. Representatives of 49 Member states present.

5. September 1–October 3, 1924. President, Giuseppe Motta of Switzerland. Representatives of 51 Member states present.

6. September 7– , 1925.

**References.** Full proceedings: *Records of the Assembly.* Plenary meetings. Meetings of Committee. 1920– . *The Reso-*

*lutions and Recommendations of each Assembly* are published as a Special Supplement of the *Official Journal.* See for 1920, *The First Assembly of the League of Nations* (World Peace Foundation); for 1921, *Monthly Summary,* I, p. 106–147; for 1922, *Monthly Summary,* II, p. 208–244; for 1923, *Monthly Summary,* III, p. 137–239; for 1924, *Monthly Summary,* IV, p. 167–216; for 1925, *Monthly Summary,* V, September.

## 2. THE COUNCIL

**Organization.** The Council consists of (1) representatives of the British Empire, France, Italy and Japan[1] and (2) representatives of six[2] other Members of the League.

The group of six Members—called nonpermanent—are elected by the Assembly at its annual meetings.

"The Council may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world."

The Council acts on behalf of the Members of the League as a whole, not solely on behalf of those whose representatives compose it.

"Any Member of the League not represented on the Council shall be invited to send a representative to sit as a Member at any meeting of the Council during the consideration of matters specially affecting the interests of that Member of the League."

**Functions.** The Council has certain powers and duties peculiar to it under the Covenant. Among these are:

Naming, with the approval of the majority of the Assembly, of "additional Members of the League whose representatives shall always be members of the Council," a right which has not been exercised.

The increase, with the approval of the majority of the Assembly, "of the number of Members of the League to be selected by the Assembly for representation on the Council." This right was exercised in 1922 when the nonpermanent Members of the Council were increased from four to six.

Approval of appointments made by the Secretary-General.

It may decide that the seat of the League shall be elsewhere than at Geneva.

It shall formulate plans for the reduction of armament and must give its consent to armament exceeding those limitations.

It shall advise as to the evil effects attendant upon the manufacture of arms by private enterprise.

[1]The Covenant as brought into force contemplated that the United States would be included in this group.

[2]Since the Assembly of 1922. The original number was four. On the increase see *Official Journal*, III, p. 1197, 1198, 1415.

It shall advise in case of aggression.

It may act as a council of mediation.

It must make recommendations to the Governments as to contributions to armed forces to be used to protect the covenants of the League.

Its consent is required for the cooperation of the Secretariat with international bureaus and commissions.

It appoints committees and commissioners, with the exception of the Permanent Military, Naval and Air Commission and the Technical and Advisory Committee on Communications in Transit. The former is made up of government representatives and the composition of the latter is determined by the General Conference on Communications and Transit.

It presents each year to the Assembly a report on the work performed by it.

It prepares a draft budget for submission to the Assembly.

It receives reports from committees and commissioners and gives their conclusions effect by adopting them as resolutions.

"Under the Covenant representatives sitting on the Council . . . render their decisions as the representatives of their respective states and in rendering such decisions they have no standing except as such representatives."[1]

**Procedure.** President in practice is the representative of the state on whose territory session is held, if it is not at Geneva; at Geneva representatives preside in rotation.

Agenda is prepared in advance by Secretariat on recommendations from Member states.

Meetings invariably public, the only regular exception being for the discussion of appointments. Full proceedings published.

All matters of procedure, which include decisions taken in virtue of the Rules of Procedure, are determined by majority vote of the Members of the League represented and voting at the meeting.[2]

Representatives of Members of the League attend sessions with full powers authorizing them to bind their Governments in case a decision takes the form of an international instrument.[3]

[1]*Resolutions Adopted by the Assembly*, 1920, p. 10.

[2]Rules of Procedure of the Council, May 17, 1920. *Official Journal*, I, p. 272.

[3]C. L. 42. 1925. V.

It is the regular practice of the Council to appoint disinterested members to serve as rapporteurs for the questions on the agenda. The rapporteur customarily submits to the Council a draft resolution which is the basis of action on the subject.

With a view to better organization of its work, the Council on August 31, 1923, decided that it should hold regular meetings on the Monday immediately preceding December 10, March 10 and June 10 and that the fourth session should begin three days before the meeting of the Assembly. Extra sessions may be held if necessary.

In 33 meetings of the Council it has acted upon 1483 agenda items.

**Meetings.**

1. Paris, January 16, 1920.
2. London, February 11–13, 1920.
3. Paris, March 12–13, 1920.
4. Paris, April 9–11, 1920.
5. Rome, May 14–19, 1920.
6. London, June 14–16, 1920.
7. London, July 9–12, 1920.
8. San Sebastian, July 30–August 5, 1920.
9. Paris, September 16–20, 1920.
10. Brussels, October 20–28, 1920.
11. Geneva, November 15–December 18, 1920.
12. Paris, February 21–March 4, 1921.
13. Geneva, June 17–28, 1921.
14. Geneva, August 20–October 12, 1921.

Extraordinary. Geneva, August 29–October 12, 1921.

15. Paris, November 16–19, 1921.
16. Geneva, January 10–14, 1922.
17. Paris, March 24–28, 1922.
18. Geneva, May 11–17, 1922.
19. London, July 17–24, 1922.
20. Geneva, August 31–October 4, 1922 ("A" mandate).
21. Geneva, August 31–October 4, 1922.
22. Geneva, August 31–October 4, 1922 (Austria).
23. Paris, January 29–February 3, 1923.

24. Geneva, April 17–23, 1923.
25. Geneva, July 2–7, 1923.
26. Geneva, August 31–September 29, 1923.
27. Paris, December 10–21, 1923.
28. Geneva, March 10–15, 1924.
29. Geneva, June 11–17, 1924.
30. Geneva, August 29–October 3, 1924.
31. Brussels, October 27–31, 1924.
32. Rome, December 8–13, 1924.
33. Geneva, March 9–14, 1925.
34. Geneva, June 8–11, 1925.

**Members.** 1920: British Empire, France, Italy, Japan; Belgium, Brazil, Greece and Spain.
1921: British Empire, France, Italy, Japan; Belgium, Brazil, China and Spain.
1922: British Empire, France, Italy, Japan; Belgium, Brazil, China and Spain.
1923: British Empire, France, Italy, Japan; Belgium, Brazil, China, Spain, Sweden and Uruguay.
1924: British Empire, France, Italy, Japan; Belgium, Brazil, Czechoslovakia, Spain, Sweden and Uruguay.
1925: British Empire, France, Italy, Japan; Belgium, Brazil, Czechoslovakia, Spain, Sweden and Uruguay.

**References.** Report to the . . . Assembly on the Work of the Council, 1920– ; *Three Months of the League of Nations;* Minutes of 1st to 15th Sessions published separately; the reports and resolutions of the 1st to 11th Sessions in *Official Journal,* I–II. Minutes from 16th Session, published verbatim in *Official Journal,* Vol. III– .

## 3. THE SECRETARIAT

"The Permanent Secretariat shall be established at the Seat of the League. The Secretariat shall comprise a Secretary-General and such secretaries and staff as may be required."—*Covenant*, Art. 6.

"All positions under or in connection with the League, including the Secretariat, shall be open equally to men and women.

"Representatives of the Members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities.

"The buildings and other property occupied by the League or its officials or by Representatives attending its meetings shall be inviolable."—*Covenant*, Art. 7.

"The members of the Secretariat act, during their period of office, in an international capacity, and are not in any way representatives of their own country."[1]

As the work of the Secretariat has developed, additional members, additional sections have been added. The main scheme has, however, remained unchanged and the following list of chief divisions as at present constituted serves to visualize the duties and the groupings of a personnel which numbers about 465 persons of 34 different nationalities, both men and women.

### GENERAL ORGANIZATION

| | |
|---|---|
| *Secretary-General* . . . . | Sir Eric Drummond (British). |
| *Under Secretaries-General* . | Joseph Avenol (French), Deputy Secretary-General; |
| | Inazo Nitobe (Japanese), Director of International Bureaus Section; |
| | Bernardo D. Attolico (Italian), in charge of internal administration and Disarmament Section. |
| *Political Section* . . . . . | Paul Joseph Mantoux (French), director. |
| *Information Section* . . . | Pierre Comert (French), director; |
| | Arthur Sweetser (American), assistant director. |
| *Legal Section* . . . . . | Joost A. Van Hamel (Dutch), director. |
| *Financial Administration* . | Sir Herbert Brown Ames (Canadian), director. |

[1]Memorandum of Secretary-General to Fifth Session of the Council, May 19, 1920, *Procès-verbal of the 5th Session*, p. 219.

## SPECIAL ORGANIZATIONS

| | |
|---|---|
| *Administrative Commissions and Minorities Questions* | Erik Andreas COLBAN (Norwegian), director. |
| *Economic and Financial Section* . . . . . | Sir James Arthur SALTER (British), director. |
| *Mandates* . . . . . | V. CATASTINI (Italian), director; Huntington GILCHRIST (American), member of section. |
| *Transit* . . . . . | Sir James Arthur SALTER (British), director. |
| *Disarmament* . . . . . | Bernardo D. ATTOLICO (Italian), director. S. de MADARIAGA (Spanish), chief of section. |
| *Secretariat of military, naval and air subcommissions* . . . . . | Capt. M. MATHENET (French), military; Commander John McKey HODGE (British), naval; Capt. Bruno BRIVONESI (Italian), air. |
| *Social Questions and Opium Traffic* . . . . | Dame Rachel E. CROWDY (British), head of department. |
| *Health* . . . . . | Dr. Ludwik RAJCHMAN (Polish), director. |

Liaison offices at London, Paris, The Hague and Budapest.

## INTERNAL SERVICES

| | |
|---|---|
| *Accountants' Branch* . . . | P. G. WATTERSON (British), chief accountant. |
| *Establishment* . . . . . | Howard R. HUSTON (American), head of department. |
| *Distribution Branch* . . . | Miss M. E. HOCKING (British), head of department. |
| *Internal Control Office* . . | A. R. REBELLO (Indian), control officer. |
| *Staff Branch* . . . . . | Miss N. WILLIAMS (British), head. |
| *Secretariat of the Staff Committees* . . . . . | Mme. ROHNER-FROSALI (Swiss). |
| *Interpreters and Translators* . . . . . | French: G. DEMOLON, head. English: G. DENNIS, head. |
| *Précis-writing Department and Printing and Publishing Branch* . . | H. VIGIER (French), chief of section. |
| *Précis-writing Department* | John L. PALMER (British), superintendent. |
| *Editor of the Official Journal* . . . . . | Dr. Gertrude C. DIXON (British). |
| *Drafting Committee* . . . | Major A. BUXTON (British), secretary. |
| *Library* . . . . . | Miss Florence WILSON (American), librarian. |
| *Verbatim Reporter* . . . . | E. M. WARD (British). |
| *Pool of Shorthand Typists* | Mme. J. PIACHAUD (Swiss), head of department. |
| *Registry* . . . . . | T. GIHL (Swedish), head of department. |

## 4. FINANCES OF THE LEAGUE

"The expenses of the League shall be borne by the Members of the League in the proportion decided by the Assembly."—*Covenant*, Art. 6, par. 5.

The above provision is an amendment to the Covenant which went into force on August 13, 1924. The original provision apportioned the expenses on the basis of a scheme adopted for the Universal Postal Union, under which the first three budgets were allocated, with subsequent modifications.

The First Assembly recommended to the Council "the immediate appointment of a special committee . . . to investigate the question of the allocation of the expenditure of the League, with a view to an equitable scheme of allocation being devised."[1] A committee was first appointed on December 14, 1920, and for 1925 consists of the following:

### Committee on Allocation of Expenses

J. Réveillaud, chairman (French)
J. A. Barboza Carneiro (Brazilian)
M. Jancovici (Rumanian)
M. Matsuyama (Japanese)
F. Phillips (British)
Signor Soleri (Italian)
Sir Henry Strakosch (South African)
Herluf Zahle (Danish)

An effort to redetermine the provisional scale on the basis of state budgets has recently occupied the attention of the committee. To this end the detailed budgets of Member states for the fiscal year 1923–24, as well as the closed accounts, have been carefully studied. The results of this comparative study of budgets for the purpose of finding in them a common denominator capable of serving as a barometer of the quotas payable were presented to the Sixth Assembly.

### Supervisory Commission

The First Assembly passed a recommendation that the Council appoint "a small committee of experts to consider all factors connected with the organization, method of work, number, salaries and allowances of the staff, and with the general expenditure of the whole organization, as well as with all other points

[1]*Resolutions adopted by the Assembly*, 1920, p. 27.

necessary to enable the Assembly to form a fair judgment in respect thereto, both as regards the Secretariat and the International Labor Office.[1]" The Second Assembly passed a more detailed recommendation which resulted in the appointment by the Council of the Supervisory Commission. It supervises the financial work and codifies the financial regulations of the League.[2] The present membership of the commission follows:

Stephen Osusky, president[3], minister of Czechoslovakia in France (Czechoslovakian).
Luis Waddington (financial adviser, Chilean legation, London) (Chilean).
Lord Meston of Agra (British).
J. Réveillaud (French).
Dr. Nederbragt (rapporteur) (Dutch).
*Deputy Members:*
Herluf Zahle (Danish).
C. Parra-Perez, chargé d'affaires of Venezuela, Bern (Venezuelan).
*Auditor of League Accounts:* M. Ceresa (Italian).

## Budgets

1. May 5, 1919–June 30, 1920—£291,078 15s. 10d. = $1,416,535.
2. April 1–December 31, 1920—10,000,000 gold francs = $1,930,000.
3. January 1–December 31, 1921—21,250,000 gold francs = $4,101,250.
4. January 1–December 31, 1922—20,873,945 gold francs = $4,028,671.
5. January 1–December 31, 1923—25,673,508 gold francs = $4,954,987.
6. January 1–December 31, 1924—23,233,635.7 gold francs = $4,483,007.69.
7. January 1–December 31, 1925—22,658,138 gold francs = $4,371,963.49.

The budget for 1925 is divided as follows:

| | |
|---|---|
| League of Nations | $2,577,728.17 |
| Permanent Court | 368,195.30 |
| Labor Office | 1,416,392.35 |
| Working Capital | 9,647.67 |
| Total | $4,371,963.49 |

[1]*Resolutions Adopted by the Assembly*, 1920, p. 27.
[2]The "Regulations for the Financial Administration of the League of Nations" are printed in *Official Journal*, V, p. 78.
[3]The presidency is rotary.

The budget is divided among the Member states by an equitable system of allocation, under which units are assigned to the Member states and the budget divided by the total number of units to determine the base payment. The allocation for 1925 by units and in dollars follows:

| *States* | *Units* | *U.S. Dollars* |
|---|---|---|
| Abyssinia | 2 | 9,351.79 |
| Albania | 1 | 4,675.90 |
| Argentina | 35 | 163,656.38 |
| Australia | 26 | 121,573.32 |
| Austria | 1 | 4,675.90 |
| Belgium | 15 | 70,138.45 |
| Bolivia | 5 | 23,379.48 |
| Brazil | 33 | 154,304.59 |
| Bulgaria | 7 | 32,731.28 |
| Canada | 35 | 163,656.38 |
| Chile | 15 | 70,138.45 |
| China | 50 | 233,794.84 |
| Colombia | 7 | 32,731.28 |
| Costa Rica | 1 | 4,675.90 |
| Cuba | 9 | 42,083.07 |
| Czechoslovakia | 33 | 154,304.59 |
| Denmark | 12 | 56,110.76 |
| Dominican Republic | 1 | 4,675.90 |
| Esthonia | 3 | 14,027.69 |
| Finland | 10 | 46,758.97 |
| France | 78 | 364,719.95 |
| Great Britain | 88 | 411,478.90 |
| Greece | 8 | 37,407.17 |
| Guatemala | 1 | 4,675.90 |
| Haiti | 1 | 4,675.90 |
| Honduras | 1 | 4,675.90 |
| Hungary | 3 | 14,027.69 |
| India | 60 | 280,553.81 |
| Irish Free State | 10 | 46,758.97 |
| Italy | 61 | 285,229.70 |
| Japan | 61 | 285,229.70 |
| Latvia | 3 | 14,027.69 |
| Liberia | 1 | 4,675.90 |
| Lithuania | 4 | 18,703.59 |
| Luxemburg | 1 | 4,675.90 |
| Netherlands | 20 | 93,517.94 |
| New Zealand | 10 | 46,758.97 |
| Nicaragua | 1 | 4,675.90 |
| Norway | 10 | 46,758.97 |
| Panama | 1 | 4,675.90 |

| *States* | *Units* | *U.S. Dollars* |
|---|---|---|
| Paraguay | 1 | 4,675.90 |
| Persia | 5 | 23,379.48 |
| Peru | 10 | 46,758.97 |
| Poland | 25 | 116,897.42 |
| Portugal | 7 | 32,731.28 |
| Rumania | 27 | 126,249.21 |
| Salvador | 1 | 4,675.90 |
| Serb-Croat-Slovene State | 25 | 116,897.42 |
| Siam | 10 | 46,758.97 |
| South Africa | 15 | 70,138.45 |
| Spain | 40 | 187,035.87 |
| Sweden | 18 | 84,166.14 |
| Switzerland | 15 | 70,138.45 |
| Uruguay | 7 | 32,731.28 |
| Venezuela | 5 | 23,379.48 |
| | 935 | $4,371,963.49 |

# IV. DEVELOPMENT OF INTERNATIONAL AGREEMENT

**Conference Machinery.** The Assembly and Council are assisted in specific phases of League business by what are known as Technical Organizations. The fully developed technical organization devotes itself to a single field of international relations and consists of three parts: 1, A section of the Secretariat serving as an exploring, recording and secretarial body; 2, An advisory or technical committee composed of experts designated by Member, or other, states or by the Council, serving to give definite form to the material placed before the committee by the section of the Secretariat; 3, Conferences of representatives of Member and other states convened on the advice of the committee and on invitation from the Council, resulting in international conventions submitted by signatory states to their appropriate internal organs for ratification.

The technical organizations are "established for the purpose of facilitating the task of the Assembly and the Council by the setting up of technical sections on the one hand and on the other to assist Members of the League by establishing direct contact between their technical representatives in the various spheres, to fulfil their international duties. With this double object, they must keep enough independence and flexibility to make them effectively useful to the Members of the League, and yet they must remain under the control of the responsible organizations which conduct the general business of the League."

The first Assembly resolution continued by declaring the following principles to guide their work:

> They will prepare their own agenda, and communicate it to the Council of the League before discussion thereon takes place.
>
> Before any communication of the results or proposals of the technical organizations is made to the Members, and before any action concerning a Member is taken, the Council of the League must be immediately informed in order that they may be able to exercise their power of control, if necessary. . . .
>
> The technical organization may, however, request that the decision taken by the Council shall be discussed at the next meeting of the Assembly.

The product of this machinery has taken the form both of general international conventions representing a codification of specific phases of international law or international administration and of specific engagements on definite problems which have arisen in international life. In the second category principles have been sometimes enunciated which have served as precedents.[1] The results of the system as evidenced by the treaties already ratified and in force are as follows:

## INTERNATIONAL ENGAGEMENTS IN FORCE

[For international labor conventions, see p. 586–589.]

*International opium convention,* January 23, 1912, and protocols (54 signatories). These documents had been ratified by 18 states before the Peace Conference. Ratification of the treaties of peace brought the convention and protocols into force. The management of additional ratifications and the execution of duties under the convention were intrusted to the League of Nations by its Member states. The ratifications listed show the present status respecting the convention.

*Ratifications:* Germany, United States of America, Austria, Belgium, Bolivia, Brazil, Bulgaria, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Free City of Danzig, Dominican Republic, Ecuador, Spain, Esthonia, Finland, France, Great Britain, Greece, Guatemala, Haiti, Honduras, Hungary, Italy, Japan, Liberia, Luxemburg, Netherlands, Nicaragua, Norway, Panama, Peru, Poland, Portugal, Rumania, Salvador, Serb-Croat-Slovene State, Siam, Sweden, Switzerland, Czechoslovakia, Uruguay, Venezuela.

*Provisions for protection of minorities* were incorporated in the treaties of peace and negotiated in addition with several states having minority populations. In all cases the protection of racial, religious and linguistic minorities was intrusted to the League of Nations, which has consequently

[1]An instance is the declaration on the part of the states assisting in the financial reconstruction of Austria "that they will not seek to obtain any special or exclusive economic or financial advantage calculated directly or indirectly to compromise" the independence of Austria (Declaration of October 4, 1922, *Treaty Series,* XII, p. 387). The same declaration was made in the case of Hungary (*Treaty Series,* XXV, p. 424).

assumed that such protection should be as extensive as possible. The protective régime has been applied to certain states newly admitted to the League. The régime as now in operation affects the minorities in Aaland Islands; Albania; Austria; Bulgaria; Czechoslovakia; Greece; Hungary; Latvia; Lithuania; Poland, and Free City of Danzig; Rumania; Serb-Croat-Slovene State; Turkey and Upper Silesia.

*Protocol of Signature*[1] *of the Permanent Court of International Justice*, December 16, 1920 (48 signatories).

*Ratifications*: Albania, Australia, Austria, Belgium, Brazil, British Empire, Bulgaria, Canada, China, Cuba, Czechoslovakia, Denmark, Esthonia, Finland, France, Greece, Haiti, Hungary, India, Italy, Japan, Latvia, Lithuania, Netherlands, New Zealand, Norway, Poland, Portugal, Rumania, Serb-Croat-Slovene State, Siam, Spain, Sweden, Switzerland, Union of South Africa, Uruguay, Venezuela.

*Convention and statute on freedom of transit*, Barcelona, April 20, 1921 (34 signatories).

*Ratifications:* Albania, Austria, British Empire, including Newfoundland, Bulgaria, Czechoslovakia, Denmark, Esthonia, Finland, France, Greece, India, Italy, Japan, Latvia, Netherlands, New Zealand, Norway, Poland, Rumania, Switzerland.
*Adhesions:* Free City of Danzig, Federated Malay States (Perak, Selangor, Negri Sembilan and Pahang), Non-Federated Malay States (Brunei, Johore, Kedah, Perlis, Kelantan and Trengganu), Palestine (British mandate), Germany, Siam and Sweden.

*Convention and statute on the régime of navigable waterways of international concern*, Barcelona, April 20, 1921 (27 signatories).

*Ratifications:* Albania, Austria, British Empire, including Newfoundland, Bulgaria, Denmark, Finland, India, Italy, New Zealand, Norway.

*Adhesions:* Federated Malay States (Perak, Selangor, Negri Sembilan and Pahang), Non-Federated Malay States (Brunei, Johore, Kedah, Perlis, Kelantan and Trengganu), Palestine (British mandate), Colombia, Rumania, Siam.

[1]The optional clause recognizing the Court's jurisdiction as described in Art. 36 of the Statute is ancillary to the protocol. For details of acceptance see p. 582.

*Additional protocol to the convention on the régime of navigable waterways of international concern,* Barcelona, April 20, 1921 (14 signatories).

*Ratifications:* Albania, British Empire, including Newfoundland, Czechoslovakia, Denmark, Finland, India, Norway, New Zealand.
*Adhesions:* Austria, Nyassaland Protectorate and Tanganyika Territory, Bahamas, Barbados, British Guiana, Jamaica (including Turks and Caicos Islands and Cayman Islands), Leeward Islands, Trinidad and Tobago, Windward Islands (Grenada, St. Lucia and St. Vincent), Gibraltar, Malta, Cyprus, Gambia Colony and Protectorate, Sierra Leone Colony and Protectorate, Nigeria Colony and Protectorate, Gold Coast, Ashanti and Northern Territories of the Gold Coast, Kenya Territory and Protectorate, Uganda Protectorate, Zanzibar, St. Helena, Ceylon, Mauritius, Seychelles, Hong-Kong, Straits Settlements, Fiji, Gilbert and Ellice Islands Colony, British Solomon Islands, Tonga Islands, Federated Malay States (Perak, Selangor, Negri Sembilan and Pahang), Non-Federated Malay States (Brunei, Johore, Kedah, Perlis, Kelantan and Trengganu), Palestine, British Mandate, Rumania, Siam.

*Declaration recognizing the right to a flag of states having no sea-coast,* Barcelona, April 20, 1921 (31 signatories).

*Ratifications:* Albania, Austria, British Empire, including Newfoundland, Bulgaria, Czechoslovakia, Denmark, India, Japan, Latvia, New Zealand, Norway, Poland.
*Adhesions:* Australia, Canada, Finland, Rumania, Siam, Sweden, Union of South Africa.

*Convention for the suppression of the traffic in women and children,* Geneva, September 30, 1921 (35 signatories).

*Ratifications:* Albania, Australia, Austria, Belgium, British Empire, Canada, Cuba, Czechoslovakia, Germany, Greece, India, Italy, Japan, Latvia, Netherlands, Norway, New Zealand, Poland and Free City of Danzig, Portugal, Rumania, Siam, Union of South Africa, Sweden.

*Adhesions:* Bahamas, Trinidad, Kenya, Nyassaland, Ceylon, Hong-Kong, Straits Settlements, Gibraltar, Malta, Cyprus, South Rhodesia, Barbados, Grenada, St. Lucia, St. Vincent, Seychelles, North Rhodesia, British Honduras, British Guiana, Fiji, Leeward Islands, Jamaica, Mauritius, Falkland Islands, Gold Coast Colony, Bulgaria,

Denmark, Hungary, Iraq, France, Italian colonies, Panama, Spain (not including Spanish possessions in Africa or the Spanish Protectorate in Morocco), Uruguay.

*Covenant: Protocol of an amendment to Art. 6*[1] (last paragraph), Geneva, October 5, 1921 (37 signatories).

*Ratifications:* Albania, Australia, Belgium, Brazil, British Empire, Bulgaria, Canada, China, Czechoslovakia, Denmark, Esthonia, Finland, France, Greece, Hungary, India, Italy, Japan, Latvia, Liberia, Lithuania, Netherlands, New Zealand, Norway, Poland, Portugal, Rumania, Salvador, Siam, Spain, Sweden, Switzerland, Union of South Africa, Uruguay.

*Covenant: Protocol of an amendment to Art. 12*, Geneva, October 5, 1921 (33 signatories).

*Ratifications:* Australia, Belgium, British Empire, Brazil, Bulgaria, Canada, China, Cuba, Czechoslovakia, Denmark, Esthonia, Finland, France, Greece, Hungary, India, Italy, Japan, Latvia, Lithuania, Netherlands, New Zealand, Norway, Poland, Portugal, Rumania, Siam, Sweden, Switzerland, Union of South Africa, Uruguay, Venezuela, Spain.

*Covenant: Protocol of an amendment to Art. 13*, Geneva, October 5, 1921 (37 signatories).

*Ratifications:* Australia, Belgium, Brazil, British Empire, Bulgaria, Canada, China, Cuba, Czechoslovakia, Denmark, Esthonia, Finland, France, Greece, Hungary, India, Italy, Japan, Latvia, Lithuania, Netherlands, New Zealand, Norway, Poland, Portugal, Rumania, Siam, Sweden, Switzerland, Union of South Africa, Uruguay, Venezuela, Spain.

*Covenant: Protocol of an amendment to Art. 15*, Geneva, October 5, 1921 (32 signatories).

*Ratifications:* Australia, Belgium, Brazil, British Empire, Bulgaria, Canada, China, Cuba, Czechoslovakia, Denmark, Esthonia, Finland, France, Greece, Hungary, India, Italy, Japan, Latvia, Lithuania, Netherlands, New Zealand, Norway, Poland, Portugal, Rumania, Siam, Sweden, Switzerland, Union of South Africa, Uruguay, Venezuela, Spain.

[1]Two amendments to Art. 6 are no longer being ratified owing to experience with the present budget system.

*Convention relating to the nonfortification and neutralization of the Aaland Islands*, Geneva, October 20, 1921.

*Ratifications:* British Empire, Denmark, Esthonia, Finland, France, Germany, Italy, Latvia, Poland, Sweden.
*Sanitary conventions* were made in 1922 and 1923 by Bulgaria, Czechoslovakia, Esthonia, Germany, Latvia, Poland, Rumania, Russia and the Serb-Croat-Slovene State with some or all of their neighbors.

*Certificates of identity to Russian refugees*, arrangement with regard to the issue of Geneva, July 5, 1922 (13 signatories).

Countries having adopted the arrangement: Esthonia, Finland, France, Great Britain, Latvia, Bolivia, Rumania, Union of South Africa, Norway, Italy, Switzerland, Bulgaria, Netherlands, Guatemala, Austria, Greece, Germany, Lithuania, Denmark, United States of Mexico, Poland, Portugal, Hungary, China, Chile, Japan, Sweden.

*Conciliation Commissions.* The Third Assembly passed a resolution recommending Members of the League to conclude conventions with the object of laying disputes not otherwise handled before conciliation commissions formed by themselves.[1] Attached to this resolution, which was adopted on September 22, 1922, is a series of rules,[2] which has served as the model for treaties in force between:

Austria and Switzerland, signed October 11, 1924 (*Treaty Series*, XXXIII, p. 423);
Brazil and Switzerland, signed June 23, 1924 (*Treaty Series*, XXXIII, p. 415);
Czechoslovakia and Poland, signed April 3, 1925;

[1]The principle developed in these treaties is expressed in Art. 1 of the convention between Norway and Sweden, as follows:

"The contracting parties undertake to refer to a Permanent Commission, to be appointed in the manner set forth below, for investigation and settlement by conciliation, all disputes of any nature whatever which it has not been possible to settle within reasonable time through diplomatic channels, and which should not, under the terms of the Statute of the Permanent Court of International Justice or of any other agreement between the parties, be submitted either to the Permanent Court or to a court of arbitration."

[2]*Resolutions and Recommendations adopted by the Assembly . . . 1922*, p. 10; *cf. Records of the First Assembly, Meetings of Committees*, II, p. 82.

Denmark and Finland, signed June 27, 1924 (*Treaty Series*, XXXIII, p. 131);
Denmark and Norway, signed June 27, 1924 (*Treaty Series*, XXXIII, p. 173);
Denmark and Sweden, signed June 27, 1924 (*Treaty Series*, XXXIII, p. 149);
Denmark and Switzerland, signed June 6, 1924 (*Treaty Series*, XXXIV, ——);
Esthonia, Finland, Latvia and Poland, signed January 17, 1925;
Finland and Germany;
Finland and Norway, signed June 27, 1924 (*Treaty Series*, XXIX, p. 403);
Finland and Sweden, signed June 27, 1924 (*Treaty Series*, XXIX, p. 19);
Germany and Sweden;
Hungary and Switzerland, signed June 18, 1924 (*Treaty Series*, XXXIV, ——);
Italy and Switzerland, signed September 20, 1924 (*Treaty Series*, XXXIII, p. 91);
Norway and Sweden, signed June 27, 1924 (*Treaty Series*, XXVIII, p. 309);
Sweden and Switzerland, signed June 2, 1924 (*Treaty Series*, XXXIII, p. 199);

*Protocols relating to the financial restoration of Austria*, Geneva, October 4, 1922 (10 signatories).

*Accepted by:* Austria, Belgium, Czechoslovakia, Denmark, France, Great Britain, Italy, Netherlands, Spain, Sweden.

*International convention for the suppression of the circulation of and traffic in obscene publications*, Geneva, September 12, 1923 (43 signatories).

*Ratifications:* Albania, Austria, Bulgaria, Finland, Germany, Italy, Monaco, Siam, Spain.
*Adhesions:* Egypt, Peru.

*Protocol on arbitration clauses in commercial matters*, Geneva, September 24, 1923 (20 signatories).

*Ratifications:* Albania, Belgium, British Empire, Denmark, Finland, Germany, Italy, Southern Rhodesia, Rumania.
*Accessions:* Newfoundland.

*Protocol relating to the settlement of refugees in Greece* and the creation for this purpose of a refugee settlement commission, Geneva, September 29, 1923, modified September 19, 1924.

(This protocol, drawn up and approved by the Financial Committee on behalf of the Council on the one side, was signed and ratified only by Greece on the other. Attached to it, however, are declarations by France, Great Britain and Italy).

*International convention relating to the simplification of customs formalities*, and protocol relating thereto, Geneva, November 3, 1923 (29 signatories).

*Ratifications:* Austria, Belgium, British Empire, Denmark, Egypt, Italy, Netherlands, Netherlands Indies, Surinam and Curaçao, New Zealand, Siam, Union of South Africa.
*Adhesions:* Australia, India, Persia, Rumania.

*Convention and statute on the international régime of railways*, and protocol of signature, Geneva, December 9, 1923 (23 signatories).

*Ratifications:* British Empire, China, India, New Zealand, Siam.
*Adhesions:* Newfoundland, Panama, Southern Rhodesia.

*Convention and statute on the international régime of maritime ports*, and protocol of signature, Geneva, December 9, 1923 (17 signatories).

*Ratifications:* Australia, British Empire, France, Siam.
*Accessions:* Newfoundland, Southern Rhodesia, Panama.

*Convention relating to the transmission in transit of electric power*, and protocol of signature, Geneva, December 9, 1923 (15 signatories).

*Ratifications:* British Empire, New Zealand, Siam.
*Accessions:* Newfoundland, Southern Rhodesia.

*Convention relating to the development of hydraulic power affecting more than one state*, and protocol of signature, Geneva, December 9, 1923 (13 signatories).

*Ratifications:* British Empire, New Zealand, Siam.
*Accessions:* Newfoundland, Southern Rhodesia.

*Protocol on the financial reconstruction of Hungary*, March 14, 1924.

*Accepted by:* Great Britain, Czechoslovakia, France, Italy, Rumania, Serb-Croat-Slovene State and Hungary.

*Danzig municipal loan.* (A contract between the Free City and private financial houses, dated February 19, 1925, was approved by the Council on March 14, when certain duties under the contract were assumed by it.)

*Identity certificates for Armenian refugees,* Geneva, September 9, 1924.[1]

*Accepted by:* Albania, Belgium, Bulgaria, Canada, Esthonia, France, India, Liberia, Sweden, Switzerland.

## INTERNATIONAL CONVENTIONS NOT IN FORCE JUNE 1, 1925[2]

*Covenant: Protocol of an amendment to Art. 4*[3] Geneva, October 5, 1921 (37 signatures).

*Ratifications:* Albania, Australia, Belgium, Brazil, British Empire, Bulgaria, Canada, China, Cuba, Czechoslovakia, Denmark, Esthonia, Finland, Greece, Hungary, India, Italy, Japan, Latvia, Lithuania, Netherlands, New Zealand, Norway, Poland, Portugal, Rumania, Salvador, Siam, Sweden, Switzerland, Union of South Africa, Uruguay, Venezuela.

*Covenant: Protocol of an amendment to Art. 16* (latter part of first paragraph), Geneva, October 5, 1921 (37 signatures).[4]

*Ratifications:* Australia, Belgium, Brazil, British Empire, Bulgaria, Canada, China, Czechoslovakia, Denmark, Esthonia, Finland, Greece, Hungary, India, Italy, Japan, Lithuania, Netherlands, New Zealand, Norway, Portugal, Rumania, Siam, Sweden, Switzerland, Union of South Africa, Uruguay.

[1]Agreed to by Governments without the convening of a conference (*Official Journal,* V, p. 1292, 1467).

[2]It is customary to specify in conventions made at Geneva a time during which the protocol remains open for signature. This has the effect of permitting states to engage as a signatory rather than an adherent subsequently to the formal closing of the conference.

[3]For texts of these amendments see footnotes to the Covenant, p. 594.

[4]A revision of this amendment was voted on by the Assembly in 1924 and has been signed by Cuba, Siam, South Africa and Rumania and ratified by Salvador.

*Covenant: Protocol of an amendment to Art. 16* (first paragraph to be inserted after the first amended paragraph), Geneva, October 5, 1921 (30 signatures).

*Ratifications:* Australia, Belgium, Brazil, British Empire, Bulgaria, Canada, China, Czechoslovakia, Denmark, Esthonia, Finland, Greece, Hungary, India, Italy, Japan, Latvia, Lithuania, Netherlands, New Zealand, Norway, Portugal, Rumania, Siam, Sweden, Switzerland, Union of South Africa, Uruguay.

*Covenant: Protocol of an amendment to Art. 16* (second paragraph to be inserted after the first amended paragraph), Geneva, October 5, 1921 (30 signatures).

*Ratifications:* Australia, Belgium, Brazil, British Empire, Bulgaria, Canada, China, Czechoslovakia, Denmark, Esthonia, Finland, Greece, Hungary, India, Italy, Japan, Latvia, Liberia, New Zealand, Norway, Panama, Paraguay, Rumania, Siam, Sweden, Switzerland, Union of South Africa, Uruguay.

*Covenant: Protocol of an amendment to Art. 16* (paragraph to be inserted between the new third paragraph and the original second paragraph), Geneva, October 5, 1921 (31 signatures).

*Ratifications:* Australia, Belgium, Brazil, British Empire, Bulgaria, Canada, China, Czechoslovakia, Denmark, Esthonia, Finland, Greece, Hungary, India, Italy, Japan, Lithuania, Netherlands, New Zealand, Norway, Portugal, Rumania, Siam, Sweden, Switzerland, Union of South Africa, Uruguay.

*Covenant: Protocol of an amendment to Art. 26* (first paragraph), Geneva, October 5, 1921 (37 signatures).

*Ratifications:* Australia, Belgium, Brazil, British Empire, Bulgaria, Canada, China, Cuba, Czechoslovakia, Denmark, Esthonia, Finland, France, Greece, Hungary, India, Italy, Japan, Latvia, Lithuania, Netherlands, New Zealand, Norway, Poland, Portugal, Rumania, Siam, Sweden, Switzerland, Union of South Africa, Uruguay, Venezuela.

*Covenant: Protocol of an amendment to Art. 26* (new paragraph after the first paragraph), Geneva, October 5, 1921 (36 signatures).

*Ratifications:* Australia, Belgium, Brazil, British Empire, Bulgaria, Canada, China, Cuba, Czechoslovakia, Denmark, Esthonia, Fin-

land, France, Greece, Hungary, India, Italy, Japan, Latvia, Lithuania, Netherlands, New Zealand, Norway, Poland, Portugal, Rumania, Siam, Sweden, Switzerland, Union of South Africa, Uruguay.

*Covenant: Protocol of an amendment to Art. 26* (second paragraph), Geneva, October 5, 1921 (35 signatures).

*Ratifications:* Australia, Belgium, Brazil, British Empire, Bulgaria, Canada, China, Cuba, Czechoslovakia, Denmark, Esthonia, Finland, France, Greece, Hungary, India, Italy, Japan, Latvia, Lithuania, Netherlands, New Zealand, Norway, Poland, Portugal, Rumania, Siam, Sweden, Switzerland, Uruguay, Union of South Africa.

*Amendment to the Labor part of the treaties of peace* (Amendment to Art. 393 of the treaty of Versailles and to the corresponding articles of the other treaties of peace, adopted by the Fourth International Labor Conference, Geneva, November 2, 1922).

*Ratifications:* Albania, Australia, Austria, Belgium, Canada, Czechoslovakia, British Empire, Denmark, Finland, France, India, Irish Free State, Japan, Latvia, Netherlands, Norway, New Zealand, Poland, Hungary, Rumania, Siam, Spain, Sweden, Switzerland, Union of South Africa.

*Protocol for the pacific settlement of international disputes,* Geneva, October 2, 1924.

*Signatories:* Albania, Belgium, Brazil, Bulgaria, Chile, Esthonia, Finland, France, Greece, Haiti, Latvia, Paraguay, Poland, Portugal, Serb-Croat-Slovene State, Czechoslovakia, Spain, Uruguay.

*Agreement on the control and use of prepared opium,* Geneva, February 11, 1925.

*Signatories:* British Empire, India, France, Japan, Netherlands, Portugal and Siam.

*Protocol respecting the suppression of opium smoking,* Geneva, February 11, 1925.

*Signatories:* British Empire, India, France, Japan, Netherlands, Portugal and Siam.

*Final Act of the Conference* on the application in the Far East of Chapter II of the International Opium Convention of Jan-

uary 23, 1912, convened at Geneva, November 3, 1924, signed at Geneva, February 11, 1925.

*Signatories:* British Empire, India, France, Japan, Netherlands, Portugal and Siam.

*Convention relating to dangerous drugs,* and protocol signed at Geneva, February 19, 1925.

*Signatories:* Albania, Germany, Belgium, British Empire, Australia, France, Greece, Japan, Latvia, Luxemburg, Netherlands, Nicaragua, Persia, Poland, Portugal, Siam, Brazil, Czechoslovakia, Irish Free State, Uruguay, Nicaragua, Union of South Africa, Spain, Sudan.

*Final act of the Second International Opium Conference,* signed at Geneva, February 19, 1925.

*Signatories:* Albania, Germany, Australia, Belgium, Bolivia, British Empire, Spain, France, Greece, Hungary, Japan, Luxemburg, Netherlands, Persia, Poland, Portugal, Siam, Brazil, Czechoslovakia, Irish Free State, Uruguay, Nicaragua, Sudan.

*Convention for the Control of the International Trade in Arms,* Munitions and Implements of War, signed at Geneva, June 17, 1925. Open for signature until September 30, 1926.

*Signatories:* United States of America, Brazil, Great Britain, India, Chile, Spain, Esthonia, Ethiopia, Finland, France, Germany, Hungary, Italy, Japan, Latvia, Luxemburg, Poland, Rumania, Salvador, Serb-Croat-Slovene State, Hungary.

*Protocol regarding chemical and bacteriological warfare,* signed at Geneva, June 17, 1925. Open for signature until September 30, 1926.

*Signatories:* United States of America, Germany, Brazil, Great Britain, Canada, India, Chile, Denmark, Spain, Esthonia, Ethiopia, Finland, France, Greece, Hungary, Italy, Japan, Latvia, Luxemburg, Nicaragua, Netherlands, Poland, Portugal, Rumania, Salvador, Switzerland, Serb-Croat-Slovene State, Turkey, Uruguay.

## DRAFT CONVENTIONS ELABORATED

*International circulation of motor vehicles,* drawn up by the Special Committee of Inquiry on Road Traffic, of the Organization for Communications and Transit; conference to be convoked by France.

*Nationality of vessels employed in inland navigation,* drawn up by the Private Law Committee of the Central Commission for Rhine Navigation and referred to the League Organization for Communications and Transit; conference convoked for November 20, 1925.

*Exchange of publications,* and protocol clauses, recommended by experts reporting to the Committee on Intellectual Cooperation. This draft is designed to supplement the convention for international exchange of official documents, scientific and literary publications, concluded at Brussels, March 15, 1886.

*International Conference on Sleeping Sickness,* London, May 19–25, 1925, in continuation of the International Conference on Sleeping Sickness held at London, October, 1907. Held on the initiative of the Health Organization under the auspices of the British Government.

*Legal aid to poor* on the basis of the principles formulated in the Hague convention of July 17, 1905, drafted by a committee of experts.

*Protection of artistic and literary property.* Adherence to the convention signed at Bern, November 13, 1908, proposed by the Committee on Intellectual Cooperation.

*Relief of peoples overtaken by disaster.* A scheme presented by Senator Ciraolo of Italy has been considered for some time and raised the question of the advisability of governments officially undertaking to establish funds for this purpose. Owing to the complications involved, a special committee has been appointed by the Council to study and report upon the best method of realizing the object by international arrangement.

*Health supervision of traffic over navigable waterways,* model convention for, adopted by the Mixed Subcommittee of the

Committee for Communications and Transit and the Health Committee.

*Unfair Competition.* Amendments to the International Convention for the Protection of Industrial Property, signed at Washington, June 2, 1911, prepared by the Economic Committee.[1]

## COMMITTEE ON PROGRESSIVE CODIFICATION OF INTERNATIONAL LAW

The Committee of Jurists appointed by the Council to draft a statute for the Permanent Court of International Justice also reported a resolution dealing with the codification of international law. This was referred to the First Assembly but was not adopted by it. On September 8, 1924, in the 12th plenary meeting of the Fifth Assembly, Baron Marks von Würtemberg (Sweden), referring to the report showing the position of international engagements made under the auspices of the League or as a result of its activities, emphasized the fact that this record "has done much to develop international treaty law."[2] It was the League's duty to help forward this process of development along the right lines and it could do far more if this work was systematically organized. He proposed an invitation to the Council to examine the matter. As a consequence the Assembly on September 22, 1924, adopted a resolution in the following terms:[3]

The Assembly,

Considering that the experience of five years has demonstrated the valuable services which the League of Nations can render toward rapidly

[1]Report to the Council by the Economic Committee on its thirteenth session, (C. 453. (1). M. 178. 1924. II.), p. 8. The question of unfair competition, after being studied by the Economic Committee, was referred to a Conference of Experts at Geneva, May 5, 1924, at which time a draft convention was examined (C. E. C. D. 1). Careful collation of its proposals with the existing convention for the protection of industrial property showed that the simplest method of attaining the desired result was a series of amendments to that convention rather than the formulation of a new one. A conference for this purpose will be held at The Hague in October, 1925.

[2]*Records of the Fifth Assembly. Plenary Meetings,* p. 82–83.

[3]*Resolutions and Recommendations Adopted by the Assembly during its Fifth Session,* p. 10; *Monthly Summary,* IV, p. 204.

meeting the legislative needs of international relations, and recalling particularly the important conventions already drawn up with respect to international conciliation, communications and transit, the simplification of customs formalities, the recognition of arbitration clauses in commercial contracts, international labor legislation, the suppression of the traffic in women and children, the protection of minorities, as well as the recent resolutions concerning legal assistance for the poor;

Desirous of increasing the contribution of the League of Nations to the progressive codification of international law;

Requests the Council:

To convene a committee of experts, not merely possessing individually the required qualifications but also as a body representing the main forms of civilization and the principal legal systems of the world. This committee, after eventually consulting the most authoritative organizations which have devoted themselves to the study of international law, and without trespassing in any way upon the official initiative which may have been taken by particular States, shall have the duty:

(1) To prepare a provisional list of the subjects of international law, the regulation of which by international agreement would seem to be most desirable and realizable at the present moment; and

(2) After communication of the list by the Secretariat to the Governments of States, whether Members of the League or not, for their opinion, to examine the replies received; and

(3) To report to the Council on the questions which are sufficiently ripe and on the procedure which might be followed with a view to preparing eventually for conferences for their solution.

The Council appointed the following committee on December 12, 1924:[1]

Knut Hjalmar Leonard HAMMERSKJÖLD, governor of Upsala, Sweden, chairman;

Giulio DIENA, professor of international law, University of Turin (Italy);

Cristobal BOTELLA, former professor of law at the University of Madrid, legal counsel to the Spanish Embassy at Paris; president of the Franco-German Mixed Arbitral Tribunal;

James Leslie BRIERLY, Professor of International Law at Oxford University;

Henri Auguste FROMAGEOT, jurisconsult of the Ministry of Foreign Affairs of France;

M. MATSUDA, doctor of law, minister plenipotentiary (Japan);

George W. WICKERSHAM, former Attorney General of the United States, member of the Committee on International Law of the American Bar Association and President of the American Law Institute (United States);

Bernard C. J. LODER, judge and former

[1]*Official Journal*, VI, p. 275.

president of the Permanent Court of International Justice (Netherlands);

Charles DE VISSCHER, professor of law at the University of Ghent; legal counsel to the Ministry of Foreign Affairs of Belgium;

WANG Chung Hui, deputy judge of the Permanent Court of International Justice (China);

Walther Max Adrian SCHÜCKING, professor of law at the University of Berlin (Germany);

Vilhena BARBOZA DE MAGALHAES, professor of law at the University of Lisbon, former minister of foreign affairs, of justice and public instruction (Portugal);

Simon RUNDSTEIN, lawyer, former legal counsel of the Ministry of Foreign Affairs, founder of the Polish Association of International Law and member of the Committee of the Polish Association of Jurisconsults;

José León SUAREZ, dean of the faculty of political sciences at the University of Buenos Aires (Argentina);

Gustave GUERRERO, minister of Salvador at Paris;

Adalbert MASTNY, minister of Czechoslovakia at London, president of the Czechoslovak branch of the Association of International Law;

Sir Muhammad RAFIQ, puisne judge, High Court, Allahabad, India.

The committee met for a first session April 1–8, 1925.

The committee decided to give to the word "codification" a broad significance and to adopt the empirical method for its work without entering into the problem of abstract codification. It concluded that private international law was included in its field. It appointed ten subcommittees to examine certain questions in connection with suggestions made by qualified organizations, and also to present reports to the committee before October 15, 1925. The subjects under study and the subcommittees follow:

1. Nationality (MM. Magalhaes, Rundstein and Schücking);
2. Territorial waters (MM. Magalhaes, Schücking and Wickersham);
3. Diplomatic privileges and immunities (MM. Diena and Mastny);
4. Juridical status of state ships employed in commercial operations (MM. Brierly and Magalhaes);
5. Extradition and criminal jurisdiction of states with respect to violations of law committed outside of their territories (MM. Brierly and De Visscher);
6. Responsibility of states for damages caused on their territory to the person or goods of foreigners (MM. Guerrero, De Visscher and Wang);

7. Procedure of international conferences and conclusion and drawing up of treaties (MM. Mastny and Rundstein);
8. Repression of piracy (MM. Matsuda and Wang);
9. Prescription (M. De Visscher);
10. Exploitation of maritime resources (M. Suarez);
11. List of subjects of private international law (MM. Brierly and De Visscher).

The committee meets in its second session in December, 1925.

The following international associations are cooperating with the committee: The Institute of International Law, the American Institute of International Law, the International Law Association, the Institut ibérique de Droit comparé, the Union juridique internationale, the American Society of International Law, the International Maritime Committee and the Société de Législation comparée.

## INTERNATIONAL INSTITUTE FOR UNIFICATION OF PRIVATE LAW

On September 26, 1924, the Italian delegation to the Fifth Assembly made the following declaration to the Fifth Assembly:

> The Italian Government has decided to found an Institute for the Unification of Private Law, with its seat at Rome, which will have rights and duties analogous to those of the new International Institute of Intellectual Cooperation which is to be established at Paris under the control of the League of Nations. For this purpose, the Italian Government will grant a yearly sum of 1,000,000 lire.[1]

The offer was accepted by the Assembly on September 30, and by the Council on October 3, when Italy was asked in due course to submit suggestions for carrying out the project.[2] A draft statute for the institute was circulated to Member states as a result of a Council resolution of December 13, 1924, for their study.[3]

[1] *Records of the Fifth Assembly. Plenary Meetings*, p. 168.
[2] *Official Journal*, V, p. 1375.
[3] *Ibid.*, VI, p. 156.

# PART II. WORK OF THE LEAGUE OF NATIONS

## I. DIRECT RELATIONS WITH STATES

### 1. PACIFIC SETTLEMENT OF DISPUTES

By Art. 11 of the Covenant it is "declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends."

By Art. 12 "the Members of the League agree that, if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or judicial settlement or to inquiry by the Council."

Art. 13 deals with the arbitral method; Art. 14 provides for the Permanent Court of International Justice, which affords the method of judicial decision, and also provides that the Court may give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly; Art. 15 deals with the method of inquiry, which does not result in a binding decision; and Art. 17 extends the whole system by invitation to states non-Members of the League.

The system does not contemplate handling of any dispute until the resources of the parties respecting its settlement are exhausted; that is, direct negotiations are recognized as the normal method of adjusting difficulties between nations.

**Procedure.** Disputes may be brought to the attention of the Council by one or more of the states parties to it or by a disinterested Member of the League.

The jurisdiction of the League does not extend to matters solely of domestic concern.

Parties are heard on a footing of equality, their representatives sitting as Members of the Council at any meeting during the consideration of matters affecting them.

The representatives of states parties to a dispute, even though they are members of the Council, have no vote in deciding the dispute. Decisions are unanimous.

When the facts involve a question of law, such as the interpretation of a treaty or the effect of a decision, the Permanent Court of International Justice has in several instances been requested to give an advisory opinion upon the moot point.

The Council has made use of committees of jurists and of committees of inquiry in connection with disputes brought before it.

## Aaland Islands

On June 19, 1920, the British Government, having informed the Governments of Sweden and Finland of its intention, brought to the attention of the Council the case of the Aaland Islands as a matter affecting international relations and threatening to disturb the good understanding between nations upon which peace depends (Art. 11). The Council at its seventh session on July 11, 1920, applied to the question the principles of Arts. 12, 15 and 17, Finland not then being a Member of the League. Representatives of the disputants and delegates of the Aaland Islanders were heard by the Council. The principal demand put forward by the Representative of Sweden was:

"That the Aaland Islands population shall be allowed to determine immediately by plebiscite whether the archipelago shall remain under Finnish sovereignty or be incorporated with the Kingdom of Sweden."

The chief argument put forward by the Representative of Finland was:

"That the Republic of Finland was an independent and sovereign country; its independence having been recognized without reservation by several Powers, including Sweden, and that the Aaland Islands formed part of the Republic."

The Council decided, with the assent of Sweden and Finland,

to ask for an opinion from a special commission of three international jurists on the two following questions:

*a.* Does the Swedish case as presented to the Council on the question of the Aaland Islands arise out of a matter which by international law is solely within the jurisdiction of Finland within the meaning of par. 8 of Art. 15 of the Covenant?

*b.* What is the present state of the international obligations regarding the demilitarization of the Aaland Islands?[1]

The Commission of Jurists, Ferdinand Larnaude (French), A. Struycken (Dutch) and Max Huber (Swiss), sat from August 3 to September 5 and reached the following conclusions:

*a.* The *de facto* position which led to the dispute between Sweden and Finland arose at a moment when Finland had not yet acquired the character of a definitely constituted state. The dispute does not fall exclusively within the territorial sovereignty of Finland, and international law does not leave the question of the Aaland Islands to the exclusive competence of Finland. The Council of the League is competent to recommend any solution which it may regard as most equitable and expedient.

*b.* As regards the demilitarization of the Aaland Islands, the stipulations of the Convention and Treaty of Paris of 1856 are still in force. Each interested state accordingly has the right to claim respect for these stipulations and whoever possesses the islands must conform to the obligations imposed by these stipulations.

The Council resumed examination of the question during its eighth session, and resolved on September 20 that the question "presented an international aspect, which brought its consideration within the competence of the League." It declared itself "competent to make any recommendations which it might deem just and proper in the case." It appointed a commission charged with "furnishing the Council, . . . having regard to the legitimate interests of all parties concerned, with a report which will enable it to frame a final or provisional settlement of the question and to establish conditions favorable to the maintenance of peace in that part of the world."

This Commission of Rapporteurs was composed of Baron Beyens of Belgium, Félix Calonder of Switzerland and Abram I. Elkus of New York, formerly ambassador to Turkey and ex-judge

[1]*Official Journal,* I, p. 248, 249.

of the New York Court of Appeals. The commission during November and December, 1920, pursued its investigations at Stockholm and Helsingfors and in the Aaland Archipelago. The report[1] was presented to the Council at its 13th session, and on June 24, 1921, the Council passed the following resolution:

1. The sovereignty of the Aaland Islands is recognized to belong to Finland;

2. Nevertheless, the interests of the world, the future of cordial relations between Finland and Sweden, the prosperity and happiness of the islands themselves, can not be insured unless (*a*) certain further guaranties are given for the protection of the islanders; and unless (*b*) arrangements are concluded for the nonfortification and neutralization of the archipelago.

3. The new guaranties to be inserted in the autonomy law should specially aim at the preservation of the Swedish language in the schools, at the maintenance of the landed property in the hands of the islanders, at the restriction, within reasonable limits, of the exercise of the franchise by new comers, and at insuring the appointment of a governor who will possess the confidence of the population.

4. The Council has recognized that these guaranties will be more likely to achieve their purpose, if they are discussed and agreed to by the Representatives of Finland with those of Sweden, if necessary with the assistance of the Council of the League of Nations, and, in accordance with the Council's desire, the two parties have decided to seek out an agreement. Should their efforts fail, the Council would itself fix the guaranties which, in its opinion, should be inserted, by means of an amendment, in the autonomy law of May 7, 1920. In any case, the Council of the League of Nations will see to the enforcement of these guaranties.

5. An international agreement in respect of the nonfortification and the neutralization of the archipelago should guarantee to the Swedish people and to all the countries concerned that the Aaland Islands will never become a source of danger from the military point of view. With this object, the convention of 1856 should be replaced by a broader agreement, placed under the guaranty of all the powers concerned, including Sweden. The Council is of opinion that this agreement should conform in its main lines with the Swedish draft convention for the neutralization of the islands. The Council instructs the Secretary-General to ask the Governments concerned to appoint duly accredited representatives to discuss and conclude the proposed treaty.[2]

[1]The Aaland Islands Question. Report submitted to the Council of the League of Nations by the Commission of Rapporteurs. (Document du Conseil. B 7. 21/68/106.)

[2]*Minutes of the 13th Session of the Council*, p. 42.

In accordance with this resolution a regional Baltic conference relative to the nonfortification and neutralization of the Aaland Islands was held from October 10–20, 1921, which resulted in a convention signed on the latter date. The participants, British Empire, Denmark, Finland, Italy, Poland, France, Germany, Sweden and Latvia, all ratified and the treaty went into force on April 6, 1922.[1]

## The Dispute between Poland and Lithuania

Prince Sapieha, the Polish minister for foreign affairs, informed the Council by telegram on September 5, 1920, that the Polish Government desired the intervention of the Council in order to prevent war between Poland and Lithuania. The Lithuanian Government, in conformity with Art. 17 of the Covenant, accepted for this dispute the obligations of a Member of the League.

The Polish representative stated that the danger of war arose from the presence of Lithuanian troops to the west of the provisional frontier assigned to Poland by the declaration of the Supreme Council of the Allies of December 8, 1919.

The Lithuanian representative said that Lithuania had no knowledge of this frontier and that under a treaty which it had concluded with the Government of the Soviets on July 12,[2] another frontier had been partially determined. Under the treaty with the Soviets this other frontier was to have been completed by an agreement to be concluded between Lithuania and Poland, and negotiations were proceeding at Kalvarya.

The Council on September 20 secured from both Governments mutual undertakings of neutrality. On October 4 it appointed a commission of control, authorized by both parties to secure the withdrawal of troops from the disputed territory. Immediately afterward the Polish troops drove the Russian Soviet army from Vilna and General Zeligowski, whom the Polish Government declared was acting as a rebel, occupied the city. Poland, however, declared that it could not intervene forcibly against the general since he headed a nationalistic movement which had the unanimous support of public opinion. Poland further claimed that the territory in dispute desired to become a part of Poland. The

[1] *Treaty Series*, IX, p. 212. [2] *Ibid.*, III, p. 106.

Council therefore proposed that a plebiscite under the auspices of the League should be held. In preparation for such a plebiscite, Colonel Chardigny of the Commission of Control tried to effect the demobilization of both Polish and Lithuanian troops in the disputed territory. Neither responded to this effort and it became clear that a plebiscite would involve a long delay.

The Council in February–March, 1921, proposed to the disputants that they undertake direct negotiations in a conference at Brussels under the presidency of M. Hymans, the Belgian delegate on the Council. His essential proposals were favorably received, and he presented on May 20, 1921, a draft treaty covering all points in dispute. The Lithuanian delegation accepted this scheme as a basis of discussion. The Polish delegation stated that "it might be regarded as a basis for discussion if the population of Vilna and its territory agreed, and consequently negotiations could not be continued unless representatives of the population concerned took part in them on a footing of equality." M. Hymans pointed out that this request conflicted with the agreement to reach a settlement by negotiation between the two states. The two parties agreed that the session should be adjourned rather than terminated and agreed to appear before the Council.

The Council again heard the two delegations in June and resolved that direct negotiations should be resumed. The Council stipulated that the agreement signed should be submitted to the Diets of the two countries and subsequently to the Diet of Vilna provided for in the draft scheme. It further stipulated that all men not natives of the disputed territory should leave the Zeligowski forces. Lithuanian reoccupation of normal peace stations was provided.

Poland accepted these recommendations, but with reservations. Lithuania declared that it was not in a position to carry out the recommendations and asked that the convention of Suwalki[1] be put in force.

As a result of letters from M. Hymans, both Governments agreed to resume direct negotiations at Geneva. On September 20, the Council concluded that it was not possible to secure agreement of the parties to the Hymans scheme. The situation was reported

[1] *Treaty Series*, VIII, p. 181.

to the Assembly, which passed a resolution supporting the action of the Council and urging the parties to compose their differences. By December, 1921, both disputants had informed the Council that they were unable to accept the solution recommended by it.

The Council had now exhausted all the means at its disposal under the Covenant[1] for a settlement of the dispute. It now turned to measures with a view to avoiding a renewal of hostilities. On January 13, 1922, the Council decided to withdraw its special commission of control, receiving at the same time a formal undertaking by both parties to abstain from any act of hostility and to maintain the peace which had been preserved for a year by the intervention of the League.

The Council turned its attention to fixing a neutral zone, so as to afford a clear line of demarkation between Polish and Lithuanian territory and to avoid administrative anarchy. This question brought the disputants again into disagreement. The Poles argued that the frontier fixed by the so-called Supreme Council of the Allies on December 8, 1919 (the Curzon line), should apply; whereas, Lithuania insisted upon the Suwalki line, which represented a decision between that country and Soviet Russia. On May 17, 1922, the Council renewed its recommendation for a provisional line and decided to send a commission to study on the spot the question of its laying down. Lithuania refused to accept this proposal and suggested that the League take the population of the disputed zone under its protection until Poland carried out the Suwalki agreement or until the Allies definitely traced the eastern frontier of Poland.

Zeligowski had retired from Vilna in November, 1921, his troops still remaining in occupation. He left behind a provisional governing commission, which by a decree signed by him was instructed to arrange for a plebiscite in the Vilna area. These elections took place on January 8, notwithstanding that the Polish Government had undertaken not to allow elections to be held during direct Polish-Lithuanian negotiations. Lithuania protested and stated that it would regard the elections as null and void. On January 13, 1922, the Council stated that it could not recognize any solution of a dispute submitted to the League which was reached without regard to the Council's recommenda-

[1]The jurisdiction was determined by Arts. 15 and 17.

tions or without the consent of both parties. By decree of the Diet of Warsaw of March 24, 1922, the disputed territory was annexed to Poland as a result of the elections.

The neutral zone remained, although, according to reports, in a state of considerable disorder owing to administrative uncertainty. The Council directed its attention to remedying this situation. The Spanish consul general at Brussels, Señor Saura, was deputed to study on the spot the possibility of establishing a provisional frontier to replace the neutral zone. He prepared a report which was submitted to the Council at its twenty-third session, on February 3, 1923. The Council secured from Poland and Lithuania an engagement to abstain from hostilities and fixed a provisional frontier. Lithuania declined to accept the modifications contemplated for the neutral zone. Poland occupied the district lying on the Polish side of the provisional line of demarkation. Lithuania asked for a special meeting of the Council to prevent an extension of incidents which had resulted in several deaths. Poland next applied to the Principal Allied Powers to make use of their right, reserved under Art. 87 of the treaty of Versailles, to determine the boundaries of Poland not fixed by that treaty and to mark the Polish-Lithuanian frontier. The Conference of Ambassadors gave its decision on March 15, 1923,[1] following the line traced by the Council of the League in February.

The representative of Lithuania protested against this decision of the Conference of Ambassadors before the Council on April 21. The Council called the attention of Lithuania to the fact that in May, 1922, the Kovno Government had itself asked the Council to refer the matter to the Conference of Ambassadors under Art. 87 of the treaty of Versailles. The Council therefore declined to reconsider a decision which confirmed its own resolution. The Lithuanian Government brought the matter before the Fourth Assembly, with a request that it seek an advisory opinion from the Permanent Court of International Justice on certain points disputed by Lithuania. The Lithuanian delegate found that this request was not sympathetically entertained by the representatives of member states in the Fourth Assembly and requested that the further examination of the question should be referred to the next plenary Assembly of the League of Nations.

[1] *Treaty Series*, XV, p. 259.

A Lithuanian request that the item be withdrawn[1] is regarded as finally disposing of the problem.[2]

## Upper Silesia

By Art. 88 of the treaty of Versailles a specified portion of Upper Silesia was set aside and it was stipulated that "the inhabitants will be called upon to indicate by a vote whether they wish to be attached to Germany or to Poland." Pending the plebiscite the area was to be controlled by an international commission designated by the powers and occupied by their troops. Before the plebiscite the Pole Korfanty attempted to set up a government there, and the Polish effort to throw the vote was openly supported by the French section of the commission. The frontier was to be fixed by the Principal Allied and Associated Powers on the showing of the plebiscite, which was duly held. The so-called Supreme Council of the Allies became deadlocked in the effort to draw the permanent boundary line.

By a letter dated August 12, 1921, forwarded on behalf of the Supreme Council of the Allied Powers, the Council of the League was invited to present a recommendation as to the line which the Principal Allied and Associated Powers should lay down as a frontier between Germany and Poland.

The Council of the League on September 1, 1921, resolved to intrust the preliminary study of the question to the representatives of Belgium, Brazil, China and Spain, states not directly interested in the problem. It was understood that they could obtain such expert advice as might be necessary, and that they could consult representatives, both German and Polish, from the territory in dispute.

The decision, in the form of a recommendation addressed to the Supreme Council, was forwarded to its president on October 12, 1921. The Council considered that the solution which it should recommend must be in conformity with the wishes of the inhabitants as expressed by the plebiscite, and must take count of the geographical and economic conditions. The Council endeavored, in determining the frontier, to find a solution which would assign

[1] *Records of the Fifth Assembly. Plenary Meetings*, p. 111.

[2] See, however, *Official Journal*, VI, p. 316–322.

to each state a number of its nationals proportionate to the total number of the votes given in its favor during the plebiscite, and which, at the same time, would leave the smallest possible minorities on either side of the frontier. It was, however, inevitable that these minorities should be considerable, owing to the close intermixture of German and Polish elements throughout the whole plebiscite area. Moreover, the concentration of population in the industrial region rendered a division of this zone inevitable. It was therefore necessary to separate industries which had hitherto been closely connected with each other.

The Council considered it necessary to lay down a series of measures establishing a transitional régime, in order to give opportunities for reorganizing public services in this zone and for avoiding the disturbance which might result in the economic and industrial situation from the new course of the frontier, and to preserve the continuity of the economic life of the district. The Council also considered that measures must be taken to provide for the protection of minorities.

The Council, in its final recommendations, thus briefly describes the measures necessary to insure economic and social prosperity:

> To preserve, for a certain time, for the industries of the territory separated from Germany their former markets, and to insure the supplies of raw material and manufactured products which are indispensable to these industries; to avoid the economic disturbances which would be caused by the immediate substitution of the Polish mark for the German mark as the sole legal currency in the territory assigned to Poland; to prevent the working of the railways serving Upper Silesia from being affected by the shifting of the political frontier; to regulate the supplies of water and electricity; to maintain freedom of movement for individuals across the new frontier; to guarantee respect for private property; to guarantee, as far as possible, to the workers that they shall not lose, in the portion of territory assigned to Poland, the advantages which were secured to them by German social legislation and by their trades union organization; and, finally, to insure the protection of minorities upon the basis of an equitable reciprocity.

The Council proposed that the solution of these problems should be achieved by means of a general convention between Germany and Poland.

The Conference of Ambassadors, acting for the Principal Allied

Powers, adopted these recommendations, and in a letter dated October 20, 1921, informed the Council of the League of this decision. The Conference of Ambassadors decided that there should be a conference between a German and a Polish plenipotentiary under the presidency of a person appointed by the Council of the League to conclude the proposed convention.

The President of the Council, with the approval of his colleagues, invited Félix Calonder, former President of the Swiss Confederation, to preside over the meeting of the plenipotentiaries at Geneva on November 23, 1921. The conference held five meetings, at which it prepared and adopted rules for its subsequent proceedings. The work of eleven subcommittees was almost complete by the end of January, and final agreement on all points was reached on April 13, 1922. The full text of the convention was published at Geneva on May 15, 1922, immediately after signing. Ratifications were exchanged at Oppeln on June 3, 1922. The convention contains 606 articles and is the longest treaty ever made. It provides in detail for the administration of Upper Silesia as an economic whole for a period of 15 years.

## Albania

On March 5, 1921, Prime Minister Vrioni of Albania informed the Secretary-General of the League that a considerable portion of northern Albania was under Serbian military occupation and appealed to the Council to bring evacuation about. On April 29 a letter from the Albanian delegation in Paris stated that portions of Albanian territory were occupied by Greek and Serbian troops. The frontiers of Albania had been fixed in 1913 by the great states in the settlement of the Second Balkan War. Since the end of 1918 the Serb-Croat-Slovene State had been in occupation of territory on the Albanian side of this frontier, an occupation, the letter stated, which had resulted in the loss of 738 Albanian lives and the flight of 40,000 inhabitants.

On June 15, Prime Minister Vrioni appealed to the Council under Art. 11 of the Covenant. The Council heard the Albanian, Greek and Serb-Croat-Slovene representatives at its 13th session. When the First Assembly admitted Albania as a Member it was recognized that the frontiers had not been defined; and, further,

that Art. 89 of the treaty of Saint Germain-en-Laye had explicitly reserved to the Principal Allied and Associated Powers the determination of the boundaries of all the states contiguous to Albania. The Conference of Ambassadors was at that moment discussing the question and the Council consequently decided that it was inadvisable to consider it simultaneously.

Albania appealed to the Assembly and there was a further discussion at its second session. The Assembly advised Albania to accept the forthcoming decision of the Conference of Ambassadors and requested the Council to appoint a commission of three impartial persons to report fully on the execution of the decision of the ambassadors and on any disturbances. This commission proceeded to Albania in November, 1921.

Meanwhile, press reports stated that Serbian forces were advancing into Albania. The British Government, basing itself on Art. 11, requested that the Council meet to "consider the situation, and to agree upon measures to be taken under Art. 16 in the event of the Serb-Croat-Slovene Government refusing or delaying to execute their obligations under the Covenant."

The Council met on November 16. The British representative in public hearings drew attention to the activities of Marca Gjoni, a local Mirdite chieftain, in rebellion against the Albanian Government, whose July campaign had been conducted from Serbian territory. Serbian regular troops had advanced into Albania as far as Oroshi and Lurya. "The British Government infers from the facts of which it has been placed in possession that a plan is on foot for detaching the north of Albania," said Mr. Fisher.

The decision of the Conference of Ambassadors as to the Albanian frontiers was announced to the Council in a letter dated November 18. The decision established a demarkation zone and provided for a delimitation commission.

When the Albanian and Serb-Croat-Slovene representatives addressed the Council their declarations were found to be contradictory. Both disputants were willing to accept the line to be fixed by the delimitation commission. The Council felt that under those circumstances it was better to deal with the future relations of the two countries rather than with past events. It therefore took note of the declarations and instructed its Commission of Inquiry to keep in touch with the delimitation commission, to

assist in carrying out the evacuation, and to satisfy itself that no outside assistance was given in support of a local movement likely to disturb internal peace. Moreover, the commission was to submit "measures to end the present disturbances and to prevent their recurrence."

The commission arrived at Durazzo on November 19, 1921. Its final reports were presented to the Council in April, 1923. The commission felt that Albania should enjoy complete neutrality so as to be able to devote itself entirely to constitutional, economic and social problems. The Government possessed exceptional powers, but no permanent constitution existed. In order to constitute a strong central government, leaving the provinces a measure of local administration, foreign technical experts were to be used in connection with developing a legal system, education, police, public works, health, and possibly other services. Development of the resources was to be encouraged with the aid of foreign capital. Though there is no fanaticism among the Mohammedan population, the rights of religious and linguistic minorities are to be protected and the formation of an independent orthodox Albanian church is suggested. The report was accepted on April 18, 1923, at which time, on the request of the Albanian Government, J. D. Hunger, lately administrator of Batavia in the Dutch East Indies, was appointed financial adviser to the Albanian Government on a five-year contract. The Albanian Government on March 1, 1924, announced to Mr. Hunger the cancellation of his contract. The cabinet went out of power immediately afterward. The new Government balanced its budget in accordance with Mr. Hunger's recommendations and subsequently apologized for its predecessor's treatment of the financial adviser.[1]

## Armed Bands on Bulgarian Frontier

The Governments of Greece, Rumania and the Serb-Croat-Slovene State on June 14, 1922, addressed a collective note to the Bulgarian Government protesting against incursions of armed bands in the frontier districts of their respective territories. There were estimated to be 500,000 refugees in Bulgaria as a result of the Balkan and World Wars. These persons were organized

[1]*Official Journal*, V, p. 546, 843, 924, 1017, 1018, 1298.

into small bands and were given to raiding across the frontier. Bulgaria had proposed an international inquiry. The Bulgarian Government regarded the collective note as of a threatening character and felt that she was unjustly blamed for responsibility in the formation of the bands. She therefore appealed to the Council under Art. 11, representing that the collective note was a circumstance likely to affect good international relations.

The Council heard representatives of the four Governments on July 18. It was stated by the three states that they had no intention of threatening Bulgaria. As a matter of fact, direct negotiations were proceeding. All Governments gave a pledge that, if these negotiations were unproductive, and if the terms of the Covenant should become applicable, they would bring the matter before the Council.

## Frontier Questions

A fairly constant type of question coming before the Council is that of frontiers. The series of treaties of peace which closed the World War laid down boundaries, to be fixed in detail by delimitation commissions. To provide for the occasional inability of the commissions to reach an agreement upon a disputed point, the treaties frequently stipulated that any unsettled difference should be left to the League of Nations for decision. The delimitation commissions have operated under the Conference of Ambassadors,[1] and the latter body on several occasions has referred frontier questions to the Council of the League.

The frontier between Austria and Hungary came before the Council in July, 1922. A full study of the problem was made and the Council announced its decision on September 19, acting in the capacity of an arbitrator. The disposition of hydro-technical interests in the district of Pamhagen was an important feature of the decision.

[1]When the Supreme Council of Allied Premiers and first delegates to the Peace Conference had dissolved, the ambassadors of Great Britain, Italy and Japan at Paris, with a representative of the French Foreign Office, continued to meet at the Quai d'Orsay to deal with questions relating to the completion and the execution of the peace treaties and with other questions of "general interest." For a time the American ambassador participated; latterly a representative of the American Embassy has usually attended to keep the Washington Government informed, and occasionally to express its views.

The frontier question between Hungary and Czechoslovakia, which had been referred to the Council in May, 1920, was the subject of an arbitral decision on April 23, 1923. The decision was accepted by both interested governments. It was of considerable importance, involving the disposition of some mines and stone quarries.[1]

In a similar dispute between Hungary and the Serb-Croat-Slovene State, the Council was not called upon to intervene as an arbiter, but merely to use its good offices at the request of one of the parties. The Serb-Croat-Slovene State refused to make the cession suggested by the Council, while the Hungarian Government was willing to effect an exchange of territory under arbitration of the Council. As the Council was not, under its terms of reference, either able to arbitrate or to secure Hungarian acceptance of a Serbian offer, the Council informed the Conference of Ambassadors that it had been unable to effect a settlement of the dispute.

## The Greco-Italian Dispute

A commission composed of nationals of several allied countries was delimiting the boundary between Albania and Greece in August, 1923, under the control of the Conference of Ambassadors. The Italian members of this commission were murdered on Greek territory a few miles from the Albanian frontier on August 27. At the time a number of outstanding questions were creating tensions between the Greek and Italian Governments. Italy under Premier Mussolini was sensitive as to national pride and prestige and was facing an internal situation which had resulted in the Government's postponing the national elections. On August 29 the Italian Government addressed a note to the Greek Government demanding:

1, An official apology; 2, A formal memorial service; 3, Honors to the Italian flag; 4, Inquiry by Greek authorities in the presence of an Italian military attaché, to be carried out within five days; 5, Capital punishment of the murderers; 6, An indemnity of 50 million lire to be paid within five days; 7, Military honors to the Italian victims; 8, A reply within 24 hours.

[1]Two protocols of February 9, 1924, carrying the decision into effect are printed in *Treaty Series*, XXX, p. 325 and 335.

The Greek reply of August 30 did not meet the 4th, 5th and 6th Italian demands. Simultaneously with the issuance of the Greek reply the Conference of Ambassadors in a collective telegram to the Greek Government called upon the latter to open an inquiry to determine responsibility for the murders and reserved to themselves "the right of making known in due course the sanctions and reparations which they might deem necessary." The Greek reply, announcing that an investigation had already been begun and that Greece recognized the jurisdiction of the Conference of Ambassadors, had not been received in Paris when the Italian Government occupied the Greek island of Corfu at the mouth of the Adriatic Sea, effecting the occupation as a result of a bombardment in which some 20 refugee children lost their lives.

On September 1, Greece appealed to the League of Nations under Arts. 12 and 15 of the Covenant, that is, under the conciliatory jurisdiction of the League. The Greek request insisted that in its reply of August 30 the maximum sacrifices compatible with the honor and sovereignty of Greece had been made, and asked the Council to assist in arriving at a friendly and equitable settlement. Before the Council considered the matter formally, officials of the League arranged for the representatives of Greece and Italy, M. Politis and M. Salandra, to meet for an exchange of views.

In the initial discussion before the Council M. Politis disclaimed any reliance upon Art. 16, relating to economic boycott, while M. Salandra asked that the discussion be postponed until he received both information and instructions. The Council did postpone its discussion, expressing the hope that no act of violence should occur in the meantime.

The Fourth Assembly of the League opened on September 3 bringing representatives of 49 nations to Geneva. In the Council on the following day, M. Salandra asked for a further adjournment and held that the Council was not competent for the question since the Conference of Ambassadors was considering it. Up to this point, the Council debate had been held in private, with the minutes posted immediately after adjournment of the sessions; now the Council determined upon public sessions, which were held throughout the discussion of the dispute.

On September 5, with a note concerning the progress made by the Conference of Ambassadors before it, the Council again met. M. Salandra again held that the Council was incompetent and should not proceed to take action on the request of Greece. Italy was alone in that feeling, and official public opinion in Geneva began running strongly against the Italian contention.

On September 6, the Council session opened with the reading of a draft resolution by the representative of Spain, who proposed a series of terms as a basis of settlement. This draft had been prepared in consultation with representatives on the Council and met with apparent approval, except from Italy. M. Salandra assented to the passage of the first two paragraphs of the resolution, advising the Conference of Ambassadors of the Council's satisfaction with the progress toward settlement made by that body, and declaring its intention of continuing its own work. But he objected vigorously to action by the Council upon the proposals for the settlement of the dispute contained in the last part of the resolution. It was then proposed by other members of the Council that the proceedings of the session be transmitted to the Conference of Ambassadors for its information. On the definite motion of the French representative, the proposals objected to by Italy were to be transmitted to the Conference of Ambassadors as part of the proceedings. Approval was given to this, it being understood that M. Salandra should have opportunity to approve the minutes before they were forwarded.

The Conference of Ambassadors, with these suggestions before them, on September 7 reached the decision which it had forecasted to Greece in its telegram of August 30. The suggestions in the draft resolution contained in the Council minutes of September 6 were in large measure followed. The decision of the Conference of Ambassadors was accepted by both Greece and Italy.

The question was thereafter regarded as on the way to settlement. Up to that time, however, no actual discussion of the Italian occupation of Corfu had taken place. This matter was not before the League at all, Greece not having referred to it in the appeal of September 1. It was, however, a much discussed feature of the incident, because if Italy should find the opportunity to hold Corfu indefinitely, the Adriatic would become a

closed Italian sea. Pressure through governmental channels to secure a definite statement from Italy on the evacuation of Corfu increased. The decision of the Conference of Ambassadors of September 7 having been accepted, that body on September 13 devoted itself to determining details for the execution of its terms. In the course of these deliberations Italy made a voluntary statement that Corfu would be evacuated on September 27. The fifth condition laid down for Greece was "an undertaking to insure the discovery and exemplary punishment of the guilty parties at the earliest possible moment." The detailed arrangements of September 13 embodied a statement made by the Italian Ambassador that, "should this condition not have been fulfilled," Italy would evacuate Corfu on the date fixed for the conclusion of the interallied inquiry, but that the Conference reserved "the right to notify Greece of any other measures of a coercive or punitive nature." It was specified that such measures "may consist in particular in the payment to Italy of a sum of 50,000,000 Italian lire," an amount already deposited by Greece in accordance with the decision of September 7. The text of the whole arrangement was reported to the Council, which, in acknowledging it on September 17, welcomed the fact that the resolution "puts an end to a situation which has caused intense anxiety."

On September 25 the Conference of Ambassadors considered the report of its commission of investigation, other details of the expiatory program having already been carried out by Greece. At that session, the Italian ambassador pointed out that the report failed to prove that Greece was not guilty of the murder of the Italian members of the delimitation commission on August 27, and that therefore the 50,000,000 lire deposited by Greece should be awarded to Italy under the terms agreed upon September 13. As Italy had not yet evacuated Corfu there was really no alternative to carrying out the understanding to which the Conference had already committed itself. The decision, nevertheless, was much criticized. Greece, however, had given a previous engagement to carry out the terms laid down by the Conference of Ambassadors and therefore could not refuse to comply. Italy voluntarily contributed 10,000,000 lire to the families of those killed during the bombardment of Corfu, thus leaving no question on that account outstanding.

The final report of the interallied commission sent by the Conference of Ambassadors to investigate on the spot was dated September 30, and, while not determining guilt, reached the general conclusion that the crime near Janina had been political and that there had been negligence on the part of the Greek Government.[1]

It will be seen from the above recital that the League at no time had general jurisdiction over the dispute, which raised, in the course of debate, fundamental questions of a constitutional character in the League itself. The contention of the Italian representative that the League was incompetent to handle a dispute being considered by another body, the Conference of Ambassadors, which was contingently a party thereto, resulted in lengthy discussions in several meetings of the Council and the eventual submission of five questions of a constitutional nature to a special committee of jurists.[2]

## Hungarian Property in Rumania

The Hungarian Government addressed a letter on March 15, 1923, to the Council, raising, under Art. 11 of the Covenant, the question of the expropriation by the Rumanian Government of the immovable property of persons opting for Hungarian nationality in present Rumanian territory. By Art. 3 of the minorities treaty signed by Rumania on December 2, 1919, it was stipulated that persons exercising their right of option to become Hungarian subjects should be free to retain their immovable property in Rumanian territory. A Rumanian legislative decree of September 12, 1919, had expropriated the landed property of foreign nationals, who were defined as including inhabitants of Rumania opting in favor of another state. A series of legislative measures had brought it about that most of those opting for Hungarian nationality were no longer in possession of their lands. Hungary recognized that Rumania was reforming her land system, but held that the methods adopted were contrary to treaty engage-

[1]The text of the report was forwarded to the League of Nations under date of December 13, 1923, and has been published by the League as document C. 781. M. 320. 1923.

[2]For the questions and the report of the Committee of Jurists, see *Official Journal*, V, p. 523.

ments and that the property should be restored and the former owners compensated.

The Rumanian representative held that Hungarian nationals and Rumanian landholders were treated on a footing of perfect equality under an agrarian reform scheme dating from 1913 and resulting in an almost unanimous mandate for expropriation in the 1914 elections. The agrarian reform program was resumed in 1918, when it was provided that every land owner in Rumania absent from his land between December 1, 1918, and December 3, 1921, should be entirely expropriated. The treaty of Trianon, establishing peace between Hungary and the allied belligerents, of whom Rumania was one, was not signed until June 4, 1920, and entered into force for Rumania on July 25, 1921. Rumania claimed that the absentee law had not been applied to the detriment of Hungarian nationals.

The question was discussed at the 24th session of the Council, when it was decided that the representative of Japan should meet Hungarian and Rumanian delegates in a conference at Brussels in May, 1923. This conference, after extensive discussions of memoranda produced by the two Governments, resulted in an agreed statement by both parties which clarified the situation, and brought the matter to the stage where it might be continued by direct diplomatic correspondence, should the Governments regard this as necessary.[1]

The Council recorded this rapprochement on July 5, 1923, in a resolution in which it recorded:[2]

> The Council is convinced that the Hungarian Government, after the efforts made by both parties to avoid any misunderstanding on the question of optants, will do its best to reassure its nationals;
>
> And that the Rumanian Government will remain faithful to the treaty, and to the principle of justice upon which it declares that its agrarian legislation is founded, by giving proof of its good will in regard to the interests of the Hungarian optants.

## Territory of Memel

The states represented on the Conference of Ambassadors, Great Britain, France, Italy and Japan, by a decision taken on September 25, 1923, brought to the attention of the Council the

[1] *Official Journal*, IV, p. 1012. [2] *Ibid.*, p. 907.

situation which had developed in Memel. This territory, formerly German, occupying the Baltic seaboard of Lithuania, was intrusted by the treaty of Versailles to the Principal Allied and Associated Powers for final disposition as to its sovereignty. Since the Peace Conference the territory had been administered by an allied representative until January, 1923, when a *coup de force* took place. The following month, the Conference of Ambassadors announced the general terms upon which it was prepared to hand over to Lithuania the rights which the Principal Allied and Associated Powers held in the Memel territory under the treaty of Versailles. Lithuania having accepted these principles, the Conference of Ambassadors worked out a detailed convention to carry them into effect. Lithuania did not see her way to accepting certain clauses of this convention and proposed certain alternative clauses.

The negotiations, therefore, having failed to bring about an agreement, the states represented on the Conference of Ambassadors referred the matter to the League under Art. 11, par. 2, of the Covenant. The question was dealt with at several meetings of the December session of the Council, which decided to appoint a commission to investigate the means of solving the difficulties which had arisen, and which concerned mainly questions of transit and the organization of the port of Memel. The commission was to carry out a comprehensive study of the draft conventions submitted on both sides and of all existing factors which, when known and duly appreciated, would further the solution of the problem.

The Council appointed a committee of three members belonging to nations other than those holding sovereignty over Memel at present. Norman H. Davis, formerly Under Secretary of State of the United States, was selected as chairman, and the chairman of the Committee for Communications and Transit selected M. Kröller of the Netherlands and M. Hoernell of Sweden as the other two members. The committee worked out a revised draft convention, which was approved by the Council at its 28th session. The convention in this form was accepted by all parties concerned and is in force.[1]

[1]*Treaty Series*, XXIX, p. 85.

## Eastern Carelia

Under the treaty of peace between Finland and Russia signed at Dorpat, October 4, 1920,[1] the Government of the Soviets undertook to grant to the people of Finnish race and speech inhabiting Eastern Carelia a form of autonomy. The Finnish Government held that this undertaking had not been fulfilled. The discontent in Eastern Carelia caused a resort to arms in November, 1921. The Soviet Government's allegation in diplomatic notes to Finland that the latter was responsible for the revolt led to a dispute which Finland brought before the Council at its 16th session. Finland cited Arts. 4, 11, par. 2, and 17 of the Covenant.[2] Since Russia was not a Member of the League, the Council on January 14, 1922, confined itself to the statement that it was ready, if the two parties agreed, to examine the question. The Esthonian Government secured the view of the Russian Government, which was that the question of Eastern Carelia was purely domestic and concerned only Soviet Russia.

On February 1, 1923, the Council heard the contention of the Finnish Government which was that, since the inhabitants of Eastern Carelia were given a status under the treaty of Dorpat, the treatment accorded them by Russia was an international question. Finland suggested that the Permanent Court of International Justice was especially qualified to pass upon this question. The Council did request an advisory opinion from the Court. The Permanent Court on July 23, 1923, declared itself unable to pronounce upon the question since the Government of the Soviets did not accept the competence of the Court and had declined to appear before it.[3] The Council on being advised of this circumstance on September 27, 1923, approved a report in which it noted the opinion expressed by the Court. A resolution passed by the Assembly on September 24, had requested the Council "to continue to collect all useful information relating to this question with the view to seeking a satisfactory solution rendered possible by subsequent events." Finland has not subsequently complained of the treatment of the inhabitants of Eastern Carelia.

[1] *Treaty Series*, III, p. 6. [2] *Official Journal*, III, p. 168–169.
[3] Publications of the Court, Series B, No. 5.

## Jaworzina Frontier Difficulty

France, Great Britain, Italy and Japan, through the Conference of Ambassadors, referring to Art. 11, par. 2, of the Covenant, brought the difficulties which had arisen between Czechoslovakia and Poland in the delimitation of their frontier in the region of Spisz before the Council in a letter dated September 20, 1923. The Czechoslovak-Polish frontier in the districts of Teschen-Orawa and Spisz was originally to have been determined on the basis of a plebiscite, but at the Spa Conference in July, 1920, the two interested Governments agreed to forego the plebiscite and asked the allied states to fix the frontier line. The Conference of Ambassadors reached a decision on July 28, 1920. After long negotiations, the delimitation commission was asked on September 26, 1922, to present a definitive frontier line. The commission laid down a line appreciably modifying the one indicated by the decision of 1920 and attributed the village of Jaworzina to Poland. Czechoslovakia protested this proposal on the ground that it was not in accordance with the decision of July 28, 1920, which it regarded as final. The Council was asked by the Allied Governments for any solution of the difficulty it might be able to recommend.

The Council heard the representatives of Czechoslovakia and Poland at its 26th session, during which it appeared that the essential question of difference between them was the finality of the decision of the Conference of Ambassadors of July 28, 1920. This question was referred to the Permanent Court of International Justice, which rendered its advisory opinion on December 6. The opinion was to the effect that the decision of July 28, 1920, was definitive, must be applied in its entirety, and that the frontier in the region of Spisz was subject to modifications provided for in that decision.[1] The Council made this opinion the basis for a recommendation to the Conference of Ambassadors, to which it suggested that the delimitation commission be asked to furnish fresh proposals in conformity with the opinion of the Court, without prejudice to arrangements which might be formally agreed to by the Governments concerned. The Council in this communication indicated that modifications of the line by the

[1]Publications of the Court, Series B, No. 8.

delimitation commission could not involve the almost total abandonment of the one fixed by the decision of 1920.[1] The delimitation commission on this basis submitted to the Conference of Ambassadors a report which the latter forwarded to the Council with the request that it recommend a definitive line. The Council did so[2] and on March 26, 1924, the Conference of Ambassadors adopted this recommendation which it forwarded to the delimitation commission with instructions to prepare protocols making the line recommended by the Council the definitive boundary. Protocols establishing the line were signed by Czechoslovakia and Poland at Cracow in April, 1924.

## Moslems of Albanian Origin in Greece

The Albanian Government in a letter dated December 6, 1923, called the attention of the Council to the situation of Moslems of Albanian origin in Greece, a question considered by the Council on December 17. In his statement before the Council the Albanian representative recalled that the Greek delegation at the Lausanne Conference had declared on January 16, 1923, that Moslems of Albanian origin in Greece were not to be included in the exchange of populations contemplated between Greece and Turkey. The Albanian Government understood that Albanian Moslems were being exchanged and were submitted to various vexations. Albania brought the matter before the Council under Art. 11, par. 2, of the Covenant and asked that a special mixed commission should be appointed to prevent the evacuation of Albanian Moslems from Greek territory. The Greek representative stated that his Government adhered to the undertaking made at Lausanne and did not desire to force Albanian Moslems to leave Greece. The difficulty of distinguishing between Turkish and Albanian Moslems might be left to the existing Mixed Commission for the Exchange of Populations.

The Council took note of these declarations and recorded its opinion that the best procedure was to draw the attention of the Mixed Commission for the Exchange of Greek and Turkish Populations to the facts, requesting it to hear any evidence which Albania might present. On March 14, 1924, the Mixed Com-

[1] *Official Journal*, V, p. 357.

[2] *Ibid.*, V, p. 520, 627.

mission adopted a resolution that Greek inhabitants of Mohammedan religion who were of Albanian origin should be exempted from the compulsory exchange of populations. It provided means to investigate special questions which might arise. A delegation of the commission, on inquiry, found that the vast majority of Moslem Greek subjects claimed to be of Turkish origin and desired to be included in the exchange. The commission accordingly issued instructions to its subcommittees to base their decisions upon the place of origin declared by the individuals, their language and their national consciousness.

The matter came again before the 31st and 32nd sessions of the Council. On August 6, 1924, the minorities treaty of August 10, 1920, had come into force.[1] In a letter of December 11 the rapporteur of the Council recommended that, in view of the concurrent application of both the Lausanne treaty for the exchange of populations and the minorities treaty, it would be well for the Council to have agents on the spot. The Council accepted the suggestion of its rapporteur that the neutral members of the Mixed Commission for the Exchange of Greek and Turkish Populations be requested to act as mandatories of the Council for the protection of this minority in Greece.[2]

## Monastery of St. Naoum

On January 5, 1924, the Conference of Ambassadors, acting on behalf of the British Empire, France, Italy and Japan, called the Council's attention to the fact that claims made against its decisions regarding the Serbo-Albanian frontier at the Monastery of St. Naoum might endanger the maintenance of peace. The Second Assembly, in response to an appeal from Albania, had noted that the Serb-Croat-Slovene State and Greece had recognized the Conference of Ambassadors as the appropriate body to settle the frontiers of Albania and had recommended the latter to accept its forthcoming decision. The boundary at the point in dispute was the subject of a decision by the Conference of Ambassadors on December 26, 1922. The conference now inquired of the Council whether it had fulfilled the mission incumbent upon it. In case the Council was of the opinion that the conference

[1] *Official Journal*, V, p. 1367. [2] *Ibid.*, VI, p. 234.

had not completely fulfilled its mission, the Council was requested to state what solution should be adopted as regards the question of the Serbo-Albanian frontier at St. Naoum.

The Council on June 17 decided to ask the Permanent Court of International Justice for an advisory opinion upon the question raised.

The Court in an opinion dated September 4, 1924, concluded that the decision of the Conference of Ambassadors of December 6, 1922, exhausted their mission.[1] The Council on October 3, 1924, concluded that the opinion of the Court answered the question of the Conference of Ambassadors and transmitted it to that body.

### Iraq Frontier

By Art. 3, par. 2, of the treaty of peace with Turkey signed at Lausanne, July 24, 1923,[2] the frontier between Turkey and Iraq was to be laid down in friendly arrangement between Turkey and Great Britain within nine months; in the event of no agreement being reached within that time the dispute was to be referred to the Council of the League. In either case no action was to be taken which might modify the status of the territories involved. The British Government in a letter dated August 6, 1924, requested that the question be placed on the agenda of the Council. On August 25, the Turkish Government accepted the Council's invitation to take part in its discussions, but stated that it was unwilling to do so until after receipt of a certified copy of the instrument recording the ratifications of the treaty of Lausanne.[3]

The Council heard the representatives of Great Britain and Turkey on September 20, 25 and 30, questions of social, economic and military character being raised in the statements of the parties. The Council on the last date, noting that the parties had agreed to accept its decision in advance, set up a special committee of three members to study the available information and to make investigations on the spot.

Difficulties respecting the maintenance of the *status quo* arose, and the Council at its 31st session on October 28 adopted a

[1]Publications of the Court, Series B, No. 9.

[2]See *Treaty Series*, XXVIII, p. 17.

[3]*Official Journal*, V, p. 1291.

resolution fixing a provisional line of demarkation pending a final settlement of the frontier.[1]

The Commission of Inquiry was appointed by the Council on October 31 and consisted of M. de Wirsen, Swedish minister at Bukharest, Paul Teleki, former prime minister of Hungary, and Colonel Paulis, a retired officer of the Belgian Army. The committee met at Geneva on November 13 and later proceeded to the disputed territory. In April, 1925, they returned to Europe after a tour of investigation to prepare a report to the Council.

[1]*Official Journal*, V, p. 1659, map at 1671.

## 2. FINANCIAL RECONSTRUCTION

### Austria

In March, 1921, the Governments of Great Britain, France, Italy and Japan informed the League that they had decided to release Austria for a period of years from their liens in respect of all claims for relief credits, reparation, etc., provided other interested Governments did the same and provided Austria was prepared to place the administration of her assets in the hands of the League under the international credits (Ter Meulen) scheme. The Financial Committee examined the problem and drew up a detailed scheme based upon a moratorium for all claims against Austria and upon the mobilization of all her assets for the purposes of reforming her financial system and of affording security for private credits. This plan was reported by the Council to the four Governments on June 3, 1921. It failed to be put into operation because of the slowness of interested Governments, especially the United States, to grant Austria the necessary moratorium.[1]

By February, 1922, Austria's condition had become so grave that a collapse was seen to be imminent. In this crisis, Great Britain, France, Italy and Czechoslovakia came to the rescue by providing public loans, which arrested disaster during the first six months of 1922. They served no other purpose, however, and Austria's financial disorganization continued at an increased pace.

In August, when the crown was one-tenth of its value six months before and only 1/15,000 of its gold value, the Austrian Government made a desperate appeal to the Supreme Council of the Allied Premiers, then meeting in London. A further depreciation of the crown, said the Austrian spokesman, must lead to social upheavals of great danger to Europe itself, marking the end of an independent Austria. The guaranty of assistance in raising a foreign loan was requested. On August 15, 1922, the Supreme Council told Austria that "there is no prospect of further financial assistance to Austria from the Allied powers, unless the League were able to propose such a program of reconstruction . . . as

[1]See *The Financial Reconstruction of Austria* (Geneva, 1921) for the documents.

would induce financiers in our respective countries to come to the rescue of Austria."

The reference of the problem to the Council of the League was accompanied by a request "for investigation and report" only. The Council met at Geneva on August 31 and at once instructed the Financial Committee to examine the problem in its essentials. On September 6, Premier Seipel of Austria was heard by the Council in a public meeting. He put Austria's fate completely into the hands of the League. The Council invited Czechoslovakia to join the Council for this question, and a committee consisting of Lord Balfour (Great Britain), Gabriel Hanotaux (France), Marquis Imperiali (Italy), Premier Beneš (Czechoslovakia) and Premier Seipel (Austria) was formed to direct the solution of the problem.

This committee organized the work, using the League's Economic, Financial and Legal Committees, but keeping in its own hands the specifically political aspects of the question. In 12 meetings the committee determined the general outline of the task, parceled its details out to the experts, heard their interim and final reports and finally saw the three protocols effecting a solution of the question signed on October 4.[1] The two multilateral protocols were signed by Great Britain, France, Italy, and Czechoslovakia and Austria; Belgium, Denmark, Netherlands, Spain and Sweden adhered to the second.[2]

The guarantors promise to respect the political independence, territorial integrity and sovereignty of Austria, to seek no special or exclusive economic or financial advantage compromising that independence, and to comply with the decisions of the Council in respect to any question arising with regard to those matters.

Austria is to commence a program of reform directed to the balancing of her budget by the end of 1924. The deficit in the interval, a maximum of 650,000,000 gold crowns, was to be met by proceeds from a loan.[3] This is guaranteed by Austrian assets, and further by the guarantor Governments in definite proportions, so that the subscriber to the loan has a double security, while the guarantor has no liability until Austrian assets prove insufficient.

[1]*Treaty Series*, XII, p. 385–411. [2]*Ibid.*, XV, p. 321.

[3]While the budget was not balanced, at the end of 1924, the proceeds of the loan were far from being exhausted.

A Bank of Issue under definite and specified conditions was established on January 2, 1923, and Austria relinquished to it all rights with respect to currcncy utterance. A long program of Austrian reforms is being carried out under a commissioner general, an officer of the League of Nations resident in Vienna and reporting monthly to the Council.[1] A Committee of Control of the Guaranteeing Governments is also provided for in order to watch over their special interests.[2]

The execution of the scheme has been divided into stages as follows:

1. From October, 1922, to June 15, 1923, prior to the negotiation of external loans. During this period a provisional delegation of the League supervised the carrying out of the program at Vienna, being replaced on December 15, 1922, by the Commissioner-General of the League for Austria, Dr. A. E. Zimmerman.
2. From June 15 to December 15, 1923. External loans totaling 585,000,000 gold crowns were floated in national currencies on the money markets of London, Paris, Amsterdam, Brussels, Stockholm. All issues with the exception of the French were dated June 11, 1923.
3. The period until June 15, 1924, during which progress was made in balancing the budget.
4. The period to December 15, 1924, in which the budget should have shown a surplus.
5. The period since December 15, 1924.

The Commissioner-General of the League issues a monthly report which gives a statement of the conditions affecting the financial reconstruction. Gratifying results have been obtained, the contrast between the periods before and after League control being very striking. Up to October 18, 1920, international financial assistance to Austria amounted to $125,000,000. In

[1]The reports are published in the *Official Journal* and also in separate form.

[2]The members of the committee are nominated by their Governments and are: Marquis Cusani Confalonieri, chairman (Italy), Dr. Roos, vice-chairman (Czechoslovakia), P. O. A. Anderson (Denmark), M. Botella (Spain), M. Dinichert (Switzerland), M. Janssen (Belgium), Count J. G. Lagerbielke (Sweden), O. E. Niemeyer, C.B. (Great Britain), R. J. H. Patijn (Netherlands), M. Seydoux (France).

The *Trustees for the Loan*, appointed by the Council, are: Marcus Wallenberg (Swedish), A. E. Janssen (Belgian), and Nelson D. Jay (American).

the interval since that time the control has cost about $3,500 per month.[1]

The Financial Committee of the League and the Commissioner-General made a joint report to the Council on September 16, 1924, in which, after analyzing both the promising and unpromising features of the situation, it was recommended that if the budget results for 1925 remain within the limits agreed upon, if the budget adopted for 1926 "is based on the same total figures, and if the general economic situation inspires sufficient confidence," the Financial Committee would recommend that the Council "declare that financial stability had been established in conformity with the protocols," and that therefore the functions of the Commissioner-General would come to an end. An agreement involving a pledge by Austria to take 15 specified measures, several of which relate to financial re-establishment on the gold basis, and to execute seven specified reforms, was presented at the same time. This agreement was approved by the Council and accepted by the Austrian Government.[2]

The principal reform provided for in the agreement is the re-establishment of Austrian currency on a gold basis. The unit chosen for this purpose is the schilling containing 0.2117208 grams of gold 900 fine, being of the value equivalent to 10,000 paper crowns of the period of League control. The schilling is worth $.14⅛ on dollar exchange and runs 34.585 the pound sterling at par.[3] The Government accounts are being established in gold coinage, the process being complete on July 1, 1925. The currency is decimal, the schilling dividing into 100 groschen. On March 7, 1925, the national bank and all other Austrian banks adopted the new monetary unit.

For the purpose of closer control the budget has been placed on a monthly basis. Closed accounts for the year 1924 showed a deficit of 824,500,000,000 paper crowns.[4] The closed accounts for January, 1925, showed a surplus of 5,130,000 schillings while the monthly preliminary budgets for the first three months of 1925 showed an indicated deficit of 4,100,000 schillings. How-

[1] *Official Journal*, V, p. 1552.

[2] For the text of the agreement see *Official Journal*, V, p. 1557, and Doc. F. 186.

[3] Austrian money has been absolutely stable since October, 1922.

[4] 26th Report, Annex V.

ever, 11,100,000 schillings of extraordinary expenditure was included in the March budget. It should be noted also that in this quarter 18,600,000 schillings had been allocated to public investment.

The Austrian Government had hopes that the agreement of September, 1924, might be fulfilled in time for the Council at its 34th Session to declare the period of control at an end. The preliminary examination of the situation by the Financial Committee indicated that the full program could not be completed by that time, but in June, 1925, experts were sent to make a thorough investigation. At the same time the committee released $18,000,000 of the loan for railroad electrification.

## Hungary

At the beginning of 1923, Hungary, in a desire to raise foreign loans on the security of certain of her revenues, approached the Reparation Commission in order to secure the necessary release of liens on certain of her assets and revenues, and had at the same time expressed the desire that the League of Nations be asked to draw up a plan of financial reconstruction. On September 29, Rumania, the Serb-Croat-Slovene State and Czechoslovakia requested the Council of the League to authorize the Financial and Economic Committee to undertake at once without further authorization any preparatory work necessary for the reconstruction of Hungary in the event of such a request from the Reparation Commission. The Reparation Commission on October 17 passed the necessary resolution.

The first stage of the League's work was completed at the 27th session of the Council in December, 1923. The Financial Committee had agreed upon the main lines of the scheme for financial reconstruction at meetings in London and Paris, in November and December, and its unanimous report was then accepted by the Council, which also approved the text of two protocols along the same lines as the Austrian protocols presented by its Hungarian committee. The main outline of the scheme may be summarized as follows:

1. The stoppage of inflation with a view to the stabilization of the Hungarian crown, this being assisted by

2. An independent bank of issue, enjoying the monopoly of note issue;

3. The balance of the budget by June 30, 1926, so that, thereafter, current expenses will be met by taxation without recourse to either inflation or loans;

4. A reconstruction loan of 250,000,000 gold crowns secured by specific Hungarian revenues, to cover the deficit till June, 1926, so that inflation might be stopped without waiting till the budget balances;

5. A control through a Commissioner-General appointed by, and solely responsible to, the Council of the League, for the purpose of insuring the due execution of the whole program.

The success of the scheme so outlined requires:

6. Satisfactory political relations between Hungary and her neighbors (Protocol 1);

7. Suitable arrangements with regard to her external obligations, particularly relief credits and reparation.

The committee pointed out that the scheme did not rely upon government guaranties. For Austria such guaranties were necessary because Austria's financial position (combined with her dependence upon imported food and raw materials) was such as to present a real risk of social disorder developing to a point at which it would destroy the value of any securities she could offer. Moreover, the efficacy of League control was untried and unknown; and the recuperative power of a country when given the support of currency reform was equally a matter of conjecture. The position of Hungary was very different. Her budget was by no means in so desperate a condition. The disorganization of her economic life measured by the depreciation of the currency was considerably less; her natural resources (particularly her self-sufficiency in food) afforded a more solid basis.

The Hungarian Committee of the Council met in London, January 16–22, 1924. Acting in virtue of full powers delegated to it by the Council in December, it unanimously transmitted the report of the Financial Committee and the two protocols[1] embodying the scheme of financial reconstruction to the Repara-

[1]Text of Protocols I and II, *Official Journal*, V, pp. 424–430; *Treaty Series* XXV, p. 423–440.

tion Commission, which on February 21 took the requisite decisions regarding the average treaty charge payments to be made by Hungary during the next 20 years. The protocols drawn up by the Hungarian Committee, consisting of the representatives of Czechoslovakia, France, Great Britain, Hungary, Italy, Rumania and the Serb-Croat-Slovene State, that is, the states specifically interested, were signed on March 14, 1924.

Jeremiah Smith, Jr., of Boston, Commissioner-General of the League of Nations for Hungary, assumed his duties on May 1, 1924. The foreign loan was placed in June on the American, Italian, Swiss, Swedish, Dutch, Czechoslovak and Hungarian markets.[1] The new bank of issue opened on June 24. The reconstruction schedule contemplated balancing the budget by June 30, 1926. The budget itself has shown a surplus since October, 1924, and was balanced a year and a half earlier than the schedule. Two-thirds of the loan was unused. The Commissioner-General regards customs receipts as too high. Negotiations of commercial treaties with neighboring states undertaken toward the end of the first year were expected to have the effect of reducing income from that source. At the end of the first year the pledged revenues were yielding income above expectations. One difficult part of the task still to be undertaken was the reduction of public officials, whose salaries, though low, were absorbing 60% of the budget. A select committec has the problem of reducing the number of government employees in hand. The currency is stable.

## Greek Refugee Settlement Commission

After the retreat of the Greek army from Turkish territory in 1922, hundreds of thousands of the inhabitants sought refuge in Greece, some reaching there by their own efforts and others being concentrated and transported by Fridtjof Nansen, high commissioner of the League for refugees. The treaty of Lausanne required mcmbers of the Greek Orthodox Church established in

[1]The Committee of Control of the Guaranteeing States for the Hungarian Loan, appointed by the Reparation Commission, consists of: M. Cavazzoni (chairman) (Italy); G. Djurich (vice-chairman) (Serb-Croat-Slovene State); B. A. Kemball Cook (Great Britain); M. Bouniols (France); E. Neculcea (Rumania); Dr. V. Pospisil (Czechoslovakia).

The Trustees for the Loan, appointed by the Council, are: M. Bianchini (Italian); Sir Henry Strakosch (South African); C. E. ter Meulen (Dutch).

Turkey to emigrate to Greece. Ultimately a million and a half persons were refugees there. The problem involved in caring for the refugees became very serious for the country. They represented a fifth of its population; they were largely without funds; they had no means of support; and Greece itself was going through an economic crisis due to 12 years of intermittent war, while political conditions were far from stable.

American and British charitable organizations did much for the refugees in the first months, but the acuteness of the situation was emphasized by a note of March 31, 1923, from the American Secretary of State announcing to the British, French and Italian Governments that the American Red Cross would discontinue its emergency work on June 30. Fully 500,000 persons were entirely dependent upon relief from that source. It was stated that American relief agencies would cooperate after that date if constructive plans were worked out for apportioning and gradually solving the relief problem. Charitable assistance by the Near East Relief continued on a reduced scale.

The Council appointed a Greek subcommittee on February 2, 1923,[1] and on July 9 approved the main lines of a scheme for refugee settlement reported to it by the Financial Committee after investigations had been made on the ground. On September 29 a Greek representative signed a protocol approved by the Council, which established the Greek Refugee Settlement Commission. This and the accompanying statute were re-enacted in revised form on September 19, 1924.[2]

While a long-term loan was an essential condition for permanent solution of the problem, the unstable Greek political situation in the latter part of 1923 made any loan uncertain. At that time the Government in power had no parliamentary mandate and the constitutional form—whether monarchical or republican—was under debate by revolutionary methods. The Financial Committee of the League, in face of such difficulties, limited the possible loan to a maximum of £6,000,000, three-fifths of the required amount, Political instability, however, rendered it inadvisable to proceed with even that flotation. Realizing the

[1] *Official Journal*, IV, p. 234.

[2] *Treaty Series*, XXX, p. 413; *Official Journal*, V, p. 1558; *Monthly Summary*, IV, Sup., p. 26.

critical need of aid, the Bank of England and the Bank of Grecce agreed to advance £1,000,000 if an independent refugee settlement commission as planned were established. It was in presence of that offer that the signing of the 1923 protocol took place.

Thc commission, of which Henry Morgenthau, former American ambassador at Constantinople, was chairman, first met at Salonika on November 11, 1923. Equipped with funds and with the settlement work already under way, the commission's activities brought the first £1,000,000 near exhaustion by May, 1924. A second advance of £1,000,000 by the Banks of England and Greece and a further £1,000,000 from the Bank of Greece and the Greek Government were forthcoming, insuring the progress of the work up till 1925. Meantime, political stability had been established in Greece.

The acceptance of the rcvised protocol in September, 1924, opened the way to put the undertaking upon the permanent basis of a long-term international loan. This represents the third important reconstruction task of the League. It differs in essential respects from the Austrian and Hungarian plans. Greek finances are not in themselves at issue, the Government requiring no aid for its normal operations. The scheme, involving £10,000,000, provides for governmental guaranties, but it is adequately secured as well by title to 500,000 hectares (1,235,550 acres) of land transferred by the Greek Government to the commission, by the improvements being made on the land and by the settlers' taxes, mortgages and rents. The loan is intrinsically productive, and the scheme itself is primarily a huge development project, largely in Macedonia which was formerly a territory of deserted plains and uncultivated fields. There "villages have sprung up bustling with life, with large and well-designed streets and small but sanitary cottages and busy shops, where the rural artisans, the locksmith, the blacksmith and the farrier have courageously resumed their work. Around these small centers were fields covered with wheat and barley, others with cotton and tobacco, and beyond them all the other newly established homes of cultivation."[1]

The Fifth Quarterly Report of the commission showed that 135,164 families had bcen settled, of which 110,864 were in Mace-

[1]Fifth Quarterly Report, p. 3.

donia. In addition to 5,023 houses built by the state and 50,000 houses falling vacant from exchanged Turks, 11,359 houses had been constructed. A total of 96,416 animals were in possession of the refugees, who had 34,615 plows and 3,697 wagons. The refugees had received nearly 12,000,000 okes (the oke is 2.84 lb.) of seed grain and nearly 30,000,000 okes of other grain. Great activity existed in urban settlement, and several industrial suburban establishments including factories were in operation. Urban quarters to the extent of 26,407 rooms were completed at the end of 1924.

The commission began its work under the chairmanship of Henry Morgenthau, with John Campbell (British) as vice chairman. Charles P. Howland of New York succeeded Mr. Morgenthau and arrived at Athens on February 7, 1925. Two Greek members serve on the commission, being Etienne Delta and M. Eustathopoulos.

## 3. REGISTRATION OF TREATIES

"Every treaty or international engagement entered into hereafter by any Member of the League shall be forthwith registered with the Secretariat and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered."—*Covenant*, Art. 18.

**Publicity.** "Publicity has for a long time been considered as a source of moral strength in the administration of national law. It should equally strengthen the laws and engagements which exist *between nations*. It will promote public control. It will awaken public interest. It will remove causes for distrust and conflict. Publicity alone will enable the League of Nations to extend a moral sanction to the contractual obligations of its Members. It will, moreover, contribute to the formation of a clear and indisputable system of international law."—Memorandum approved by the Council, May 19, 1920.[1]

**Registry.** Certified, complete texts are communicated to the Secretariat by one or all parties to the engagement.

Certificates of registration, numbered consecutively, are delivered to the party registering the document.

A register, entitled "Registration of Treaties," an elephant folio series of volumes marked off in columns, is kept. In the active volume are inscribed the names of the parties to the engagement, its short title, date of signing, date of ratification, date of registration and registration number, determined chronologically by the chronological order of presentation.

The actual texts are kept as an annex to the register, the registration number serving as the key to the file.

In addition, a supplementary register is kept. In this each treaty or engagement is assigned a separate page, on which are noted additional signatures, ratifications, adhesions, denunciations, etc., as well as records of negotiations, national legislation, and other details of the document's history.

J. Teixidor y Sanchez (Spanish) of the Legal Section is in charge of the registration and publication of treaties.

[1] *Treaty Series*, I, p. 9.

The Registry is sometimes called upon by courts, state officials and others for certified statements of the existence or status of treaties. The information available in the Registry is certified in response to such requests, but without liability for its correctness, for which the source of the information is responsible.

**Treaty Series.** The obligation of publishing international engagements was met by the issuance of a Supplement to the *Official Journal*, which, beginning with Vol. XI has been issued independently under the title *Treaty Series: Publication of Treaties and International Engagements Registered with the Secretariat of the League.*

The first treaty was filed for registration by Denmark, Norway and Sweden on July 5, 1920, and was registered the same day.[1] The first issue of the Treaty Series, Vol. I, No. 1, was a 73-page publication issued in September, 1920, and containing nine treaties. Registration, however, continued at so rapid a rate that it became necessary to publish in volumes rather than in parts. Thirty-two volumes of over 400 pages each have been issued in five years.

Texts are published in the languages of negotiation, and in French and English, if either of these official League languages were not used for the original texts.

A total of 886 treaties and international engagements had been registered up to May 31, 1925.

[1]Additional article, signed at Copenhagen on May 11, 1920, to the monetary convention of May 27, 1873, and to the supplementary convention of October 16, 1875.

# II. DUTIES UNDER THE COVENANT

## 1. REDUCTION OF ARMAMENT

"The Members of the League recognize that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

"The Council, taking account of the geographical situation and circumstances of each state, shall formulate plans for such reduction for the consideration and action of the several Governments.

"Such plans shall be subject to reconsideration and revision at least every 10 years.

"After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council."—*Covenant*, Art. 8.

**Procedure.** The League's duty under these provisions is continuous. It is being realized by two agencies: The Permanent Advisory Commission on Military, Naval and Air Questions, provided for by Art. 9 of the Covenant and made up of governmental representatives; and the Coordination Commission, made up of six categories of members. Both are served by the Armaments Section of the Secretariat.

### Permanent Advisory Commission on Armaments

Constituted by a Council resolution of May 9, 1920, pursuant to Art. 9 of the Covenant, the members are appointed by, and are representatives of, their Governments. The presidents of the Military, Naval, and Air Subcommissions are selected by rotation of nations represented on the commission for periods of six months. The president of the plenary commission is elected at each session by, and from, the presidents of the subcommissions.

*Belgium:*
Lieut. Gen. de Ceuninck
Maj. Gen. van Crombrugge

*Brazil:*
Maj. Esteävo de Carvalho
Rear Admiral de Souza e Silva

*British Empire:*
Col. J. S. Lowe, D.S.O.
Rear Admiral Aubrey C. H. Smith, C.B., M.V.O.
Capt. G. Halifax, R.N.
Paymaster Commander E. Kennedy
Squadron Leader H. A. Tweedie, O.B.E.

*Czechoslovakia:*
Gen. Vladimir Klecanda
Commandant d'Etat-Major Rudolf Kunzl Jizersky
Col. Sylvestr Blaha

*France:*
Col. E. Réquin
Vice Admiral Jehenne
Capt. Deleuze
Gen. Dumesnil

*Italy:*
Brig. Gen. A. de Marinis Stenardo di Ricigliano
Capt. U. Leone
Vice Admiral Baron Acton
Capt. Don F. Ruspoli
Commander Graziani

*Japan:*
Brig. Gen. Shioden
Lieut. Col. K. Shinomoto
Capt. Tsuchihashi
Rear Admiral J. Kiyokawa
Capt. M. Yasutomi
Lieut. J. Ikeda
Capt. Kuni Usui
Lieut. Col. Ogasawara
Lieut. M. Kani

*Spain:*
Brig. Gen. Don Juan Garcia Benitez
Lieut. Col. Lon
Rear Admiral Marquis de Magaz
Capt. J. Montagut
Capt. Xavier de Salas
Capt. Baron del Sacro Lirio
Gen. Jorge Soriano
Lieut. Col. Garcia de Pruneda

*Sweden:*
Col. Oscar E. Nygren
Maj. M. S. H. Gadd
Capt. C. F. W. de Riben
Capt. E. W. H. de Wrangel

*Uruguay:*
Maj. Pedro Sicco

Meetings.
1. San Sebastian, August 1, 1920.
2. Brussels, October, 1920.
3. Geneva, November 25–December 4, 1920 (during Assembly).
4. Paris, February, 1921.
5. Geneva, June 21, 1921.
6. Geneva, September, 1921 (during Assembly).
7. Geneva, May, 1922.
8. Geneva, September, 1922 (during Assembly).
9. Geneva, December 5–8, 1922.
10. Geneva, April 16–23, 1923.
11. Geneva, July 5–7, 1923.
12. Geneva, September, 1923 (during Assembly).
13. Geneva, February 4–8, 1924 (with Temporary Mixed Commission).[1]

[1] *Official Journal*, V, p. 729.

14. Paris, May 12–20, 1924.[1]
15. Geneva, September, 1924 (during Assembly).
16. Geneva, November 12–14, 1924.[2]
17. Geneva, February 5–10, 1925.
18. Geneva, June 8, 1925.

**Duties.** The commission's primary duty is to advise the Council, especially on technical matters.

By Art. 1 of the Covenant states applying for admission are to give engagements as to their military, naval and air forces. The Permanent Commission determines this engagement. As an example of this function, its report on Costa Rica is quoted:

> ARMY—The military forces of this country do not exceed 1,000 men, the maintenance of which the Government request.
>
> OPINION OF THE COMMISSION—Recommends the maintenance of the present forces.
>
> NAVY—Costa Rica only possesses small boats in the Coast-Guard Service, and should, in accordance with the provisions of the Preamble, even after its admission to the League, present a request to the Council if it considers that it requires a navy.
>
> AIR FORCE—None.[3]

Duties under Art. 8 are multifarious and technical.

## COORDINATION COMMISSION

**Temporary Mixed Commission.** The First Assembly in 1920 passed a resolution inviting the Council "to instruct a Temporary Commission composed of persons possessing the requisite competence in matters of a political, social and economic nature to prepare . . . reports and proposals for the reduction of armaments as provided for by Art. 8 of the Covenant." The resultant Temporary Mixed Commission for the Reduction of Armaments, with the addition of seven civilian members on March 9, 1922, functioned until after the Fifth Assembly. The Fourth Assembly in 1923 requested "the Council to regulate and coordinate the work of the Temporary Mixed Commission and the Permanent Advisory Commission, in anticipation of the possible expiration of the mandate of the Temporary Mixed Commission at the next Assembly."

[1] *Official Journal*, V, p. 986. [2] *Ibid.*, VI, p. 226.
[3] *Ibid.*, November-December, 1920, p. 41.

The Temporary Mixed Commission met as follows:

**Meetings.**
1. Paris, July 16–19, 1921.
2. Geneva, September, 1921 (during Assembly).
3. Paris, February 20, 1922.
4. Paris, July 3–7, 1922.
5. Geneva, September 1–6, 1922 (during Assembly).
6. Geneva, February 9–12, 1923.
7. Geneva, June 4–7, 1923.
8. Paris, August 3–8, 1923.
9. Geneva, February 4–8, 1924.
10. Geneva, July 7–12, 1924.

**Development.** The Fifth Assembly passed a resolution as follows:[1]

Whereas the work of the League of Nations in connection with the reduction of armaments is entering this year upon a period of reorganization which requires the direct attention of the Council:

The Assembly intrusts to the Council the question of the coordination of the work of its commissions for the reduction of armaments.

The Assembly recommends the Council to reorganize the Temporary Mixed Commission in conformity with the following principles:

(1) The commission shall include the representatives of a certain number of Governments;

(2) The commission shall include qualified delegates of the technical organizations of the League of Nations, that is to say:

Representatives of the Economic Committee,
" " " Financial Committee,
" " " Transit Committee,
" " " Permanent Advisory Commission,
" " " Employers' and Labor Groups of the International Labor Office,
Experts, jurists or others elected by the Council.

(3) Delegates of States not represented on the commission may be invited to attend whenever the commission thinks fit.

(4) The Council will invite any States not Members of the League of Nations which may have notified their intention of taking part in the International Conference for the Reduction of Armaments to appoint representatives to participate in the work of the commission.

The Council on October 3, 1924, passed a resolution declaring that the Temporary Mixed Commission should be reorganized

[1]*Records of the Fifth Assembly. Plenary Meetings*, p. 182, 467; *Meetings of the Committees. Minutes of the Third Committee*, p. 80; *Monthly Summary*, V, p. 202.

under the name of the Coordination Commission with the following composition:[1]

(*a*) The Committee of the Council (ten members) assisted by

(*b*) The President and one member or two members of each of the three Organizations, Economic, Financial and Transit (six members);

(*c*) Six members appointed by the Permanent Advisory Commission (six members);

(*d*) Two members of the Employers' Group and two members of the Workers' Group of the Governing Body of the International Labor Office, appointed by the latter (four members);

(*e*) If considered advisable, a certain number of experts—jurists and others—appointed by the Council.

In accordance with this resolution the Coordination Commission is organized as follows:

COMMITTEE OF THE COUNCIL

Belgium: M. DUPRIEZ;
Brazil: Afranio DE MELLO FRANCO;
Spain: M. COBIAN;
France: M. PAUL-BONCOUR;
Great Britain: Ronald MCNEILL, M.P.;
Italy: M. GARBASSO;
Japan: M. MATSUDA;
Sweden: Erik SJOBERG;
Czechoslovakia: Ferdinand VEVERKA;
Uruguay: M. GUANI.

CONSULTATIVE MEMBERS

REPRESENTATIVES OF ECONOMIC COMMITTEE:

A. WIENIAWSKI (Polish);
J. A. BARBOZA CARNEIRO (Brazilian).

REPRESENTATIVES OF FINANCE COMMITTEE:

Vilem POSPISIL (Czechoslovak);
M. BIANCHINI (Italian).

REPRESENTATIVES OF TRANSIT COMMISSION:

G. POPESCO (Rumania);
Heinrich REINHARDT (Austria).

REPRESENTATIVES OF PERMANENT ADVISORY COMMISSION:

*Military members:*

Col. E. RÉQUIN (France);
Brig. Gen. A. DE MARINIS (Italy);
Substitute: General W. KLECANDA (Czechoslovakia).

*Naval Members:*

Rear Admiral Aubrey C. H. SMITH. (British Empire);
Rear Admiral J. KIYOKAWA (Japan);
Substitute: Rear Admiral C. F. W. DE RIBEN (Sweden).

*Aeronautical Members:*

Commander Esteävo DE CARVALHO (Brazil);
General Jorge SORIANO (Spain);
Substitute: Major General VAN CROMBRUGGE (Belgium).

REPRESENTATIVES OF EMPLOYERS' GROUP OF GOVERNING BOARD OF INTERNATIONAL LABOR OFFICE:

Fr. HODACZ (Czechoslovak);
M. OERSTED (Danish).

REPRESENTATIVES OF WORKERS' GROUP OF GOVERNING BOARD OF INTERNATIONAL LABOR ORGANIZATION:

Léon JOUHAUX (French);
J. OUDEGEEST (Dutch);
Substitute: H. THORBERG (Swedish).

[1]*Official Journal*, V, p. 1380.

Meetings. Geneva, February 16–18, 1925.

### Private Manufacture of Implements of War

This question has commanded the attention of League committees since they began functioning. The work previously done enabled the Coordination Commission to affirm at its first meeting that it is necessary to prevent all clandestine manufacture of war material and that each state should, therefore, exercise under its own responsibility the supervision of the manufacture of arms in its own territory. It recalled that no agreement could be fully effective unless concluded with all arms-manufacturing states. In view of the close relation existing between the supervision of private manufacture and that of the trade in arms, it postponed the drafting of a convention on the subject until after the Conference on the International Trade in Arms, Munitions and Implements of War.

It appointed a Council committee composed of the representatives of Czechoslovakia, Spain and Uruguay

(1) to request Governments to furnish information as soon as possible on

(*a*) The nature and importance of the "grave objections" from a national or international point of view to which the private manufacture of arms is open according to Art. 8, par. 5, of the Covenant;

(*b*) The legislative and administrative measures existing in each country on the subject, as well as the facilities or obstacles which their respective constitutions might present as regards the conclusion of an international agreement on the subject, and suggestions which the Governments may regard as useful.

(2) To prepare a report, on the basis of the replies received on

(*a*) The best system for the supervision of private manufacture;

(*b*) The desirability of securing uniformity of system in the arms-manufacturing countries and the best methods of achieving this result;

(*c*) Whether publicity, national or international, should form part of the system throughout.

The debates in the commission brought to light the fact that the information hitherto furnished by Governments could not, on

account of its variety and fundamental differences in preparing statistics, serve as a basis for a comparative study.

On March 11, 1925, the Council appointed a subcommittee to "prepare a report on the standardization of nomenclatures and statistical systems for the trade in arms, munitions and implements of war, as well as on the means likely to facilitate the adoption of these standardization measures at the earliest possible date." The subcommittee, which will submit its report directly to the President of the Council, is composed as follows:

1. Member of Committee of Council: President: Afranio de Mello Franco.
2. Members of Economic Committee: J. A. Barboza Carneiro, A. Wieniawski.
3. Members of Transit Committee: G. Popesco, H. Reinhardt.
4. Members of Permanent Advisory Commission: 1 military member, Brig. Gen. A. de Marinis; 1 naval member, Rear Admiral J. Kiyokawa; 1 air member, Lt. Col. Garcia de Pruneda.

A mixed committee of jurists and representatives of the Permanent Advisory Commission met at Geneva, March 6, 1925, to examine the reports. The committee consisted of Sir J. Fischer Williams, Great Britain; Messrs. Saura, Spain, and Veverka, Czechoslovakia; and four representatives of the Permanent Advisory Commission, Admiral Souzā e Silva, Brazil; Colonel Réquin, France; General de Marinis, Italy; and Admiral de Riben, Sweden.

A study committee charged by the Council to establish the terms of the questionnaire met at Paris on April 21, 1925. It consisted of M. Cobian (Spain), M. Guani (Uruguay) and M. Veverka (Czechoslovakia).

## Interchange of Information

The Members of the League undertook in Art. 8 of the Covenant "to interchange full and frank information as to the scale of their armaments, their military, naval and air programs, and the condition of such of their industries as are adaptable to warlike purposes."

The Temporary Mixed Commission from the beginning of its work devoted much time to realizing that injunction and in 1922 and 1923 published much statistical information. In July, 1923, the Council, on the basis of the commission's investigations,

authorized the Secretariat to begin publishing a yearbook embodying this information, beginning with an experimental volume dealing with 1923. The result of this authorization was the publication of the *Armaments Year-Book: General and Statistical Information.* The Fifth Assembly in a resolution commended this publication, which is henceforth to be issued annually with "special attention being given to that part . . . which deals with industry and economic resources capable of being utilized for war." The Yearbook in its first issue dealt with the armament of the following countries: Albania, Argentina, Austria, Belgium, Brazil, British Empire (Great Britain and her colonies, Australia, Canada, India, New Zealand, Newfoundland, Union of South Africa), Bulgaria, Chile, China, Czechoslovakia, Denmark, Esthonia, Finland, France, Germany, Greece, Hungary, Italy, Japan, Latvia, Luxemburg, Netherlands, Norway, Poland, Rumania, Serb-Croat-Slovene State, Spain, Sweden, Switzerland, Union of Socialist Soviet Republics, United States of America.

Each national notice is divided into three parts: 1, Military forces (land, sea and air); 2, Budget expenditure on national defense; 3, Industries capable of being used for war purposes.

### Trade in War Materials

An important phase of armament reduction is the proper control of international trade in war materials. Before the World War certain areas in Africa and Asia were subject to such control. The treaty of St. Germain of September 10, 1919, aimed to bring the previous arrangements up to date, but it was never brought into force[1] owing to the declination of the United States to proceed with ratification. The Temporary Mixed Commission devoted much time to the question and eventually at its ninth session, February 4–7, 1924, was able to meet with the representative of the United States and to draw up a draft convention covering the original scope of the St. Germain convention and also dealing in detail with the trade in arms, munitions and implements of war with relation to all territories. A statistical report on the traffic in war materials was made and the Secretariat has been instructed by the Council to insure the periodical publication of such statistical data. The draft convention and the statistical inquiry together met with sufficient

[1] *Treaty Series,* VII, p. 331.

favor with the states Members and non-Members of the League to warrant the convening of a conference for the formal adoption of a convention.

The Conference for the Control of the International Trade in Arms, Munitions and Implements of War was held at Geneva, May 4–June 17, 1925. The following 45 states were represented: Abyssinia, Argentina, Austria, Belgium, Brazil, British Empire, Bulgaria, Canada, Chile, China, Colombia, Czechoslovakia, Denmark, Egypt, Esthonia, Finland, France, Germany, Greece, Hungary, India, Irish Free State, Italy, Japan, Latvia, Lithuania, Luxemburg, Netherlands, Nicaragua, Norway, Panama, Persia, Poland, Portugal, Rumania, Salvador, Serb-Croat-Slovene State, Siam, Spain, Sweden, Switzerland, Turkey, United States, Uruguay and Venezuela.

The convention for the control of the international trade in arms, munitions and implements of war was opened for signature at Geneva on June 17, 1925. It was cast along much broader lines than the St. Germain convention, since it deals with all export and import of warlike materials rather than the trade in them with specified areas. The convention was regarded as registering a great advance.

## Chemical and Bacteriological Warfare

The Temporary Mixed Commission appointed a committee of technical experts to study the subject of chemical warfare. This committee in 1924 reported upon the subject in all its aspects and confirmed popular impressions respecting that type of weapon. This was expressed by a member of the committee in these words: "An injurious substance studied in secret (and this study may be carried on anywhere), manufactured in large quantities (and this manufacture can be carried out in any chemical works), and launched unexpectedly against any unprepared population can completely destroy every shadow of resistance." [1] The Fifth Assembly recorded the following resolution expressing the opinion of Member states concerning this type of warfare:

The Assembly,

Having examined the report of the Temporary Mixed Commission with regard to the probable effects on warfare of chemical discoveries;

[1] *Report of the Temporary Mixed Commission* (A. 16. 1924. IX), p. 29.

Being convinced that the means which modern science places at the service of warfare renders the latter a great danger to civilization;

Recalling the seventh resolution of the Third Assembly regarding the adhesion of all states to the treaty concluded at Washington on February 6, 1922, concerning the use of asphyxiating gases in time of war;

Requests the Council, if it considers it desirable, to publish the report of the Temporary Mixed Commission and, if advisable, to encourage the work of making information on this subject generally accessible to the public;

Noting, on the other hand, the facility and rapidity with which factories for producing chemical substances required in peace-time can be transformed into factories for chemical warfare;

Recommends that the attention of public opinion throughout the world be drawn to the necessity of endeavoring, in the first place, to remove the causes of war by the pacific settlement of disputes and by the solution of the problem of security, in order that nations may no longer be tempted to utilize their economic, industrial or scientific power as weapons of war.

The Conference on International Trade in Arms, Munitions and Implements of War adopted, on the initiative of the United States and with the support of Germany, a protocol prohibiting this type of warfare.

Respecting the use of bacteria the scientists felt that the extension of epidemics would be limited by present knowledge of hygiene and microbiology and could not decisively influence the issue of hostilities. They advised continued study of the progress of bacteriology.

### Limitation of National Expenditures on Armament

The First Assembly passed a recommendation that Members of the League should undertake not to exceed their current military, naval and air expenditures in the budgets of the immediate future. This proposal was repeated by each Assembly up to 1923 and the replies received from Governments indicated that it had been given due consideration. The replies received in 1924[1] exhibited a general feeling among the states that further reduction of expenditure depended more upon mutual agreement than competitive reduction. The Fifth Assembly, which planned

[1]*Records of the Fifth Assembly. Meetings of the Committees, Minutes of the Third Committee,* p. 221.

for a general conference on armament questions, did not repeat the recommendation of its predecessors, but contemplated that the problem would be pursued by the general conference.

## Extension of Principles of Washington Naval Treaty

The Third Assembly passed a resolution in favor of the extension of the principles of the naval treaty of Washington to the nonsignatory states. The Council considered the problem and on September 20, 1923, passed a resolution approving the proposal. The Permanent Advisory Commission was intrusted with an inquiry and its naval subcommission sat in Rome from February 14–25, 1924, to consider the application of the principles of the treaty to nonsignatory states whether or not Members of the League. Delegates were present from the Argentine Republic, Belgium, Brazil, Chile, Czechoslovakia, Denmark, France, Great Britain, Greece, Italy, Japan, Netherlands, Norway, Soviet Russia, Spain, Sweden, and Uruguay.

The subcommittee after an exchange of views set up a special committee to prepare a report to the Council. From this report it appears that two very different points of view were held by the countries represented. One view favored the extension pure and simple to nonsignatory states of the two principles of the Washington treaty, namely, fixing of the tonnage of naval ships on the basis of the *status quo* and the naval holiday. The other view favored the limitation of naval armament to figures determined for each state independently of the *status quo*, regard being paid to national security and to the intent of Art. 8 of the Covenant. The Council on July 25, 1924, voted to submit the report to the Governments and to bring the question before the Fifth Assembly, which might define the essential principles on which a general conference might be based. The Fifth Assembly, in a resolution of October 2, was of the opinion[1]

1. That another technical conference on naval disarmament is unnecessary.

2. That the question of naval disarmament should be discussed as part of the general question of disarmament to be dealt with by the international conference.

[1]*Resolutions and Recommendations . . . 1924*, p. 28.

## Exercise of Right of Investigation

The treaties of peace closing the World War contain an article in the following terms:

> So long as the present treaty remains in force Germany [Austria, Bulgaria, Hungary] undertakes to give every facility for any investigation which the Council of the League of Nations, acting if need be by majority vote, may consider necessary.

The British Government brought the qucstion of the treaties with Austria, Hungary and Bulgaria before the 29th session of the Council. It was then explained that the duties assigned by the treaties to the Council were to be undertaken "after the dissolution of the interallied commissions of control," copies of whose final reports should be forwarded to the Permanent Advisory Commission. Memoranda by the Secretary-General, submitted to the Council on June 17, 1924, and later, stated that the Secretariat had received the reports of the military commissions in Austria and Bulgaria, the naval commissions in Bulgaria and Germany and the air commissions in Germany, Austria and Hungary.[1] The Permanent Advisory Commission had been studying the matter since 1920 and the Council's first act was to ask that commission for its advice. The commission, on August 29, addressed a letter to the Council inquiring whether it should confine itself to the study of the question as to Austria, Bulgaria and Hungary. The Council, on September 9, replied "that the organization which the commission is required to consider is to be adapted to the cxercise of the right of investigation as contemplated also in the treaty of Versailles."[2]

The Council adopted the following, September 27, 1924:[3]

[1] *Official Journal*, V, p. 1011; VI, p. 304. [2] *Ibid.*, V, p. 1299.

[3] *Ibid.*, V, p. 1592. The document is C. 541 (1). M. 189 (1). 1924. IX, and is also printed separately.

## Organization with a View to the Exercise of the Right of Investigation in the Four States Subjected to Investigation by the Treaties of Versailles, St. Germain, Trianon and Neuilly.

### *Chapter I.*—Nature and Extent of Investigations

The investigations provided for in:

Art. 213 of the treaty of Versailles,
Art. 159 of the treaty of St. Germain,
Art. 143 of the treaty of Trianon,
Art. 104 of the treaty of Neuilly,

shall, when the Council so decides, cover such demilitarization of territory as may be laid down in the said treaties, and any or all the military, naval and air clauses of the said treaties, and particularly:

(*a*) Legislation, such as military laws, budgets;
(*b*) Strengths;
(*c*) Material existing or under construction (including aeronautical material, plant for manufacture of munitions, implements of war);
(*d*) Training for war;
(*e*) New warship construction.

### *Chapter II.*—Initiative

(*a*) Without prejudice to the right of an individual member of the Council to bring any matter to the direct notice of the Council, every Government Member of the League of Nations may communicate to the Secretary-General, for consideration by the Council, any reports or information which, in the opinion of that Government, call for exercise by the Council of the right of investigation. Copies of such reports or information shall be forwarded as soon as received to the Permanent Advisory Commission.

(*b*) On each occasion when the Council has decided to exercise the right of investigation as authorized by the treaties, it will notify the Governments concerned without informing them of the details of such investigation.

### *Chapter III.*—Composition and Functions of the Permanent Advisory Commission

Any state, not being a Member of the Council, neighbor of a state which has given to the former state undertakings by the terms of one of the treaties of peace to submit to investigations shall be represented in the Permanent Advisory Commission, for all questions contemplated in the present rules, as regards investigations concerning the latter state.

The Permanent Advisory Commission is responsible to the Council for preparing the organization for any investigations upon which the Council may decide.

To facilitate the decision of the Council:

(*a*) The Permanent Advisory Commission shall submit to the Council for approval each year for the ensuing year, if necessary, a program of the investigations which it recommends. This program will be based on the reports of information which the Permanent Advisory Commission has received officially and shall be accompanied by draft instructions for the chairman of each Commission of Investigation, constituted as laid down in Chap. IV;

(*b*) At each meeting of the Council the Permanent Advisory Commission may propose such additions as may be necessary to the program of investigation mentioned in par. (*a*) above;

(*c*) Should any reports received necessitate an urgent meeting of the Permanent Advisory Commission, the latter shall advise the Council thereon, who may direct the Permanent Advisory Commission to make the necessary arrangements for an investigation.

### *Chapter IV.*—Constitution and Operation of the Commissions of Investigation

Commissions of Investigation shall be constituted as follows:

(*a*) The members shall be chosen from a list of experts qualified in the various matters likely to form the subject of investigations. The Permanent Advisory Commission will draw up a preliminary list for the approval of the Council as soon as the present scheme has been approved.

The list shall consist of experts appointed by the Governments of States which are represented on the Council at the date the list is drawn up and by the Government of any State selected by the Council under par. (*c*) of this Chapter.[1]

Each State shall furnish an equal number of experts, who shall at all times be available in their respective countries.

At any time when a change takes place in the normal permanent or elected constitution of the Council, this list shall be revised so as to be brought into line with the composition of the Council.

(*b*) When a Commission of Investigation has to be appointed for the case of a particular State, the Permanent Advisory Commission will propose to the Council the exact composition of that Commission according to the nature and importance of the investigation. The Commission will consist of experts specially qualified to undertake the investigation

[1]The last clause added by the Council October 28, 1924 (*Official Journal*, V, p. 1658).

in question and selected from the list referred to in par. (*a*). It will include in principle an equal number of experts from each State (and at least one from each State) taking part in the investigation as defined in par. (*c*).

(*c*) Subject to the terms of par. (*f*) below, the States represented on the Council at the time when an investigation is decided upon will be represented on every Commission of Investigation. Should the Council not contain any representative of a State which is a signatory of the treaties of peace and at the same time bordering on the State under investigation, or any representative of a nonsignatory State of the treaties of peace, the Council shall select a State from each of these categories and the experts of these selected States shall be added to those of the States represented on the Council.

(*d*) Every local investigation shall be carried out by at least three experts of different nationalities.

(*e*) The members of the Permanent Advisory Committee shall not take part in investigations.

(*f*) The nationals of States subjected to the right of investigation shall not form part of any of the Commissions of Investigation.

(*g*) The Members of the Commissions of Investigation shall enjoy full diplomatic privileges and immunities.

(*h*) Should the Council decidc to hold an investigation comprising various objectives in the same State, it will be undertaken by one Commission constituted as laid down in pars. (*b*) and (*c*) of this Chapter with one Chairman who will be responsible to the Council for the whole of the investigation.

(*i*) Chairmen of Commissions of Investigation will be nominated in advance, by the Council in all cases, for the period of one year renewable.[1] They will not reside in the State subject to an investigation, except during such periods of investigation.

(*j*) Within the limits of their instructions received from the Council, Chairmen will themselves arrange the order of their work and ask the Secretary-General to notify the Government concerned of the date on which they have decided to commence investigation.

They shall have full latitude in the convening of their Commissions and in the internal organization of them, subject to the reservation laid down in par. (*d*) above.

(*k*) In order to retain an element of surprise, the Chairman of a Commission of Investigation need not disclose his exact objectives until the

[1]The Chairmen were appointed by the Council at its 32nd session, as follows:

*Germany*—General of Division Desticker of the French Army;

*Austria*—General Jean Marietti of the Italian Army;

*Bulgaria*—Lieut. General of Reserve Carl August Hugo Jungstedt of the Swedish Army;

*Hungary*—Major General W. M. St. G. Kirke of the British Army.

last moment. Within the limits of his instructions he is also authorized to accord such freedom of movement to the groups of his Commission as will enable their work to be brought to a definite conclusion.

(*l*) Commissions of Investigation may during a period fixed by the Council either carry out the operations without interruption or intermittently.

(*m*) It is the duty of the Commission of Investigation to confine itself to the establishment of facts.

(*n*) When difficulties arise during the course of an investigation, the Chairmen of Commissions will inform the Council, and in the case of technical difficulties, the Permanent Advisory Commission also. The latter will, if the matter comes within its competence, provide the President of a Commission of Investigation with such additional technical advice or assistance as may be necessary. The Permanent Advisory Commission will not issue any orders or in any way vary the original instructions approved by the Council.

### *Chapter V.*—Demilitarized Zones

Within the period fixed by the Council and with their approval, the Chairman of a Commission of Investigation may detach groups to remain at points in the demilitarized zones where continuity of investigation is required.

### *Chapter VI.*—Information

1. The Permanent Advisory Commission will furnish the Council with all the information it requires as to the observance of the disarmament clauses of the various treaties of peace. This will entail upon the Secretariat of the Permanent Advisory Commission additional duties as follows:

(*a*) To receive and collate the final reports of the Interallied Commissions of Control, reports of Commissions of Investigation, together with copies of all military laws, budgets and legislation;

(*b*) To receive from Governments of Members of the League all military, naval and air information relative to the clauses of the four treaties referring to the right of investigation;

(*c*) To collate the information so received and circulate it to the members of the Permanent Advisory Commission;

(*d*) To receive and collate all information furnished by Governments concerning the application of any rules which may be in force for discriminating between military and civil aviation.

The work required by the Permanent Advisory Commission will constitute the first charge on the present members of the Secretariat of

the Commission, who will be relieved of all such duties as may prevent them from carrying out that work.

2. Any information required for the purpose of investigation shall be supplied to the Chairmen of the Investigating Commissions by the Permanent Advisory Commission.

### *Chapter VII.*—Reports

The Chairmen of Commissions of Investigation will forward their reports, together with any minority reports, to the Council and the Permanent Advisory Commission. The latter will forward their reasoned opinion of the report to the Council.

### *Chapter VIII.*—Financial Provisions

1. The allowances for the members of the Commissions of Investigation shall not be less than those payable to members of other Commissions of the League.

2. Unless the Council otherwise determines, the expenses of any investigation will be borne on the general funds of the League.

3. The necessary advance of funds shall, within the limits of the budget and subject to the Regulations for the Financial Administration of the League,[1] be made to the members of the Commissions of Investigation by the Secretariat of the League.

### *Chapter IX.*—Entry into Force

The organization proposed above shall be ready to function for each of the States subject to investigation before the withdrawal of the Interallied Commissions of Control.

On the motion of the representative of France, the Council on December 11, 1924, passed the following:[2]

The Permanent Advisory Commission is instructed to submit practical proposals for the application of Chaps. I and V of the Council's resolution of September 27, 1924, to the Rhine zone demilitarized by the treaty of Versailles.[3]

The Council on March 14, 1925, adopted a resolution accepting the report by jurists and representatives of the Permanent Advisory Commission on the ways and means of assuring to members

[1]For the regulations see *Official Journal*, V, p. 78.

[2]*Official Journal*, VI, p. 143.

[3]This zone comprises the three occupied sectors and bridgeheads described in Art. 429 of the treaty and demilitarized by Arts. 42 and 43 thereof.

of committees of investigation the free and complete execution of their duties; requesting the Secretary-General to prepare studies of what legislative measures should exist in countries subject to the right of investigation in order to carry out the system; to notify the decisions taken to the countries subject to investigation, and to insure that, when investigation is decided upon by the Council, the rights given to it by the treaties can be exercised with their cooperation; and to

adjourn to a subsequent session, with a view to a more exhaustive study, the question of the system of the investigation to be applied in the demilitarized Rhine zone.

## Protocol and General Conference

The Second Assembly felt that its work had reached a stage where the Temporary Mixed Commission might be asked "to make proposals on general lines for the reduction of national armament which, in order to secure precision, should be in the form of a draft treaty or other equally definite plan."[1] The study of the subject in the following year directed attention to the feeling of insecurity which made states indisposed to agree to reduce armament without satisfying their desire for safety. This feeling resulted in an Assembly resolution in which it is declared that "moral disarmament is an essential preliminary condition of material disarmament, and that this moral disarmament can only be achieved in an atmosphere of mutual confidence and security."[2] It was also declared that no scheme for the reduction of armament "can be fully successful unless it is general" and that "many Governments will be unable to accept the responsibility for a serious reduction of armament unless they receive in exchange a satisfactory guaranty of the safety of their country." On these premises a treaty of mutual guaranty was contemplated.

The Temporary Mixed Commission studied this problem and reported a draft to the Fourth Assembly in 1923. The Assembly regarded the matter as of sufficient importance to constitute its third committee as a conference for perfecting the text. The committee was not unanimous, and the Assembly consequently

[1] *Resolutions and Recommendations . . . 1921*, p. 23.
[2] *Ibid., 1922*, p. 27.

contented itself with requesting the Council "to submit the Draft Treaty of Mutual Assistance[1] to the Governments for their consideration, asking them to communicate their views in regard to it."

The draft was approved in principle by 18 Governments[2] but the points raised against it were regarded as of sufficient consequence to warrant a new approach to the problem. It was urged against the draft treaty that it did not imply with sufficient definiteness the reduction of armament, which was the ultimate object. It was urged that it left the amount of reduction entirely to the election of each Government. It was complained that no coordinate provisions for international jurisdiction appeared in the draft treaty. It was also felt that the permission of partial treaties might lead to establishing groups of states animated by hostility toward each other.

Premiers Herriot of France and MacDonald of Great Britain attended the opening sessions of the Fifth Assembly as the heads of the delegations from their respective States. They represented the opposing points of view respecting the Draft Treaty of Mutual Assistance, but they were equally desirous of making progress toward the essential end of reduction of armament. On their initiative the Assembly passed the following resolution on September 6, 1925:[3]

The Assembly

Noting the declarations of the Governments represented, observes with satisfaction that they contain the basis of an understanding tending to establish a secure peace,

Decides as follows:

With a view to reconciling in the new proposals the divergences between certain points of view which have been expressed and, when agreement has been reached, to enable an international conference upon armaments to be summoned by the League of Nations at the earliest possible moment:

(1) The Third Committee is requested to consider the material dealing with security and the reduction of armam ents, particularly the observa tions of the Governments on the draft Treaty of Mutual Assistance pre-

[1]For text see *Handbook on the League of Nations*, 1920–1924, p. 155.

[2]*Records of the Fifth Assembly, Meetings of the Committees, Minutes of the Third Committee*, p. 129

[3]*Records of the Fifth Assembly, Plenary Meetings*, p. 77.

pared in pursuance of Resolution XIV of the Third Assembly and other plans prepared and presented to the Secretary-General, since the publication of the draft treaty, and to examine the obligations contained in the Covenant of the League in relation to the guaranties of security which a resort to arbitration and a reduction of armaments may require.

(2) The First Committee is requested:

(*a*) To consider, in view of possible amendments, the articles in the Covenant relating to the settlement of disputes;

(*b*) To examine within what limits the terms of Art. 36, Par. 2, of the Statute establishing the Permanent Court of International Justice might be rendered more precise and thereby facilitate the more general acceptance of the clause:

And thus strengthen the solidarity and the security of the nations of the world by settling by pacific means all disputes which may arise between states.

The First and Third Committees devoted most of their time during the Fifth Assembly to elaborating the Protocol for the Pacific Settlement of International Disputes, which is intended to be a complete system for settling differences, in amplification of the Covenant, and to provide a basis upon which a general conference for the reduction of armament could proceed. The text is printed in Appendix II.

Throughout the protocol the word "arbitration" is used in a general sense to envisage all methods of pacific settlement. The basic conception, as expressed in the report presenting it to the Assembly,[1] is that "there can be no arbitration or security without disarmament, nor can there be disarmament without arbitration and security."

The protocol was opened for signature on October 2, 1924, and was signed by the following 18 states: Albania, Belgium, Brazil, Bulgaria, Chile, Esthonia, Finland, France, Greece, Haiti, Latvia, Paraguay, Poland, Portugal, Serb-Croat-Slovene State, Czechoslovakia, Spain, Uruguay.

The Assembly recommended its acceptance to "the earnest attention of all the Members of the League" and requested the Council to take charge of drawing up a general program for an international conference for the reduction of armament con-

[1]*Records of the Fifth Assembly, Meetings of the Committees, Minutes of the Third Committee*, p. 212.

templated by Art. 17 of the protocol, to be held beginning June 15, 1925. By a further resolution the Assembly requested the Council to consider the advisability of including the following points in the program:[1]

1. General plan for a reduction of armaments in accordance with Art. 8 of the Covenant, in particular:

(*a*) Basis and methods of reduction (budget, peace-time effectives, tonnage of naval and air fleets, population, configuration of frontiers, etc.);

(*b*) Preparation of a typical budget for expenditure on armaments.

2. Special position of certain states in relation to the reduction of armaments:

(*a*) Temporary reservations by countries exposed to special risks;

(*b*) Recommendation of regional agreements for the reduction (or limitation) of armaments.

3. Recommendation of the establishment of demilitarized zones (Art. 9 of the Protocol).

4. Control and investigation of armaments in the contracting states.

Under the terms of the protocol the Council was called upon to establish a procedure for drawing up the program of the contemplated conference and to appoint a committee of jurists to determine in what respects the procedure for pacific settlement laid down in it involved amendment of the Covenant. The British Government on November 15, 1924, informed the Secretariat that, "owing to their very recent accession to office, his Majesty's Government would not be able for some time to form a considered opinion on the terms of the protocol" and consequently requested that the preparatory work for the conference on the reduction of armament, which was to have been undertaken at the December session, should be postponed until the March session.[2] The Council acceded to this request by a resolution.

At the 33rd session of the Council Austen Chamberlain, British Secretary of State for Foreign Affairs, made a long formal statement in which he said that his Government saw "insuperable objections to signing and ratifying the protocol in its present shape." Mr. Chamberlain stated that other members of the

[1] *Resolutions and Recommendations* . . . 1924, p. 28.

[2] *Official Journal*, VI, p. 124–130.

British Empire were also unable to accept the protocol. The representatives of each of the other states represented on the Council made statements in general favorable to the principles of the protocol. The Council on March 13 referred those declarations and any declarations which might in the meantime be communicated to it by Members of the League to the Sixth Assembly. The question consequently will undergo further study at that time.

## 2. MANDATES

The mandatory system is adopted by Member states in Art. 22 of the Covenant, in which it is defined as follows:

> To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the states which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in this Covenant.
>
> The best method of giving practical effect to this principle is that the tutelage of such peoples should be intrusted to advanced nations who, by reason of their resources, their experience or their geographical position, can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.
>
> The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

The territories affected are (1) those over which Germany renounced all rights and titles "in favor of the Principal Allied and Associated Powers" by Art. 119 of the treaty of Versailles; and (2) the territories defined as mandates in Part III, Sec. 7, of the treaty of peace with Turkey signed at Sèvres, August 10, 1920. These former Turkish territories were being administered under mandate when the treaty of Lausanne was signed on July 24, 1923; in the negotiation of that treaty Turkey, as the victor state, made no claim for a change of their status.

The territories thus falling to be administered by mandate were allocated to mandatory states by decision of the Principal Allied and Associated Powers taken at the Paris Peace Conference on May 5, 1919. The states concerned drafted mandates which were submitted to the Council of the League and eventually accepted by it after delays due to negotiations undertaken or initiated by the United States with the mandatories with a view to securing rights accruing to it under Art. 119 of the treaty of Versailles.

The mandates are divided into three classes as follows:

MANDATES

"A" class: "Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory."—*Covenant*, Art. 22, par. 4.

| *Territory* | *Mandatory* | *Terms Defined by Council* |
|---|---|---|
| Palestine[1] | Great Britain | July 24, 1922 |
| Trans-Jordania | Great Britain | September 16, 1922 |
| Syria and Lebanon[1] | France | July 24, 1922 |
| Mesopotamia (Iraq) | Great Britain | ——— |

Trans-Jordania comprises "all territory lying to the east of a line drawn from a point two miles west of the town of Akaba on the gulf of that name up the center of the Wady Araba, Dead Sea, and River Jordan to its junction with the River Yarmuk; thence up the center of that river to the Syrian frontier." By Art. 25 of the mandate for Palestine, Great Britain as the mandatory was entitled, with the consent of the Council, to postpone or withhold application of the mandate to that territory, principally because a native rule had been established there under the Emir Abdullah. The British representative on the Council on September 16, 1922, accepted full responsibility as mandatory for the territory and undertook to see that it was administered as such.[2]

Up to 1924 the Trans-Jordanian territory was dealt with in the report on Palestine. The Permanent Mandates Commission in its Fifth Session on October 28, 1924, raised the question of a separate report for Trans-Jordania, which was agreed to by the representative of the mandatory.[3]

The situation of Iraq (Mesopotamia) is transitional. It was originally contemplated as an "A" mandate. The inhabitants

[1]These mandates after approval were to enter into force automatically and at the same time following agreement reached between the Governments of France and Italy on the subject of the mandate for Syria. Complete agreement between those Governments was notified to the Council on September 29, 1923. (*Official Journal*, IV, p. 1355.)

[2]*Official Journal*, III, p. 1189, 1390; IV, p. 212.

[3]*Minutes of the Fifth Session*, p. 60.

of the territory set up a monarchical form of government and concluded a treaty of alliance with the British Government on October 10, 1922.[1] A protocol accessory to the treaty was signed on April 30, 1923, and four subsidiary agreements on March 25, 1924. As a consequence of the relationships thus established, the mandatory status was recognized as no longer fully applicable to Iraq. The British representative applied to the Council and the latter on September 27, 1924, adopted in a resolution a unilateral undertaking of the British Government implementing the mandate. The Council resolution reads:[2]

The Council of the League of Nations:

Having regard to Art. 16 of the treaty of peace signed at Lausanne on July 24, 1923;

Having regard to Art. 22 of the Covenant of the League of Nations;

In view of the communication which has been made by the Government of His Britannic Majesty to the Council of the League of Nations on September 27, 1924, in the following terms:

"Whereas the territory of Iraq which formerly constituted a part of the Turkish Empire passed into the occupation of the military forces of His Britannic Majesty in the course of the recent war, and

"Whereas it was intended by the Principal Allied Powers that the territory of Iraq should, until such time as it might be able to stand alone, be intrusted to a mandatory charged with the duty of rendering administrative advice and assistance to the population in accordance with the provisions of Art. 22 (par. 4) of the Covenant, and that this mandate should be conferred on His Britannic Majesty; and

"Whereas His Britannic Majesty agreed to accept the mandate for Iraq; and

"Whereas His Britannic Majesty has, in view of the rapid progress of Iraq, recognized an independent Government therein and has concluded with the King of Iraq a treaty with protocol and subsidiary agreements, as set forth in the schedule hereto, and hereinafter referred to as the treaty of alliance; and

"Whereas the purpose of the said treaty of alliance is to insure the complete observance and execution in Iraq of the principles which the acceptance of the mandate was intended to secure:

"The Government of His Britannic Majesty is willing to agree as follows:

"I. So long as the treaty of alliance is in force, His Majesty's Government will assume, toward all Members of the League of Nations who

[1] *Official Journal*, III, p. 1505; *Treaty Series*, XXXIV.

[2] *Official Journal*, V, p. 1346, 1347.

accept the provisions of this arrangement and the benefits of the said treaty, responsibility for the fulfilment by Iraq of the provisions of the said treaty of alliance.

"II. During the currency of the treaty of alliance the Government of His Britannic Majesty, in consultation with His Majesty the King of Iraq, will take such steps as may be necessary for the conclusion of special extradition agreements on behalf of Iraq. Copies of all such agreements shall be communicated to the Council of the League.

"III. An annual report to the satisfaction of the Council of the League will be made to the Council as to the measures taken in Iraq during the year to carry out the provisions of the treaty of alliance. Copies of all laws and regulations promulgated in Iraq during the year will be attached to the said report.

"IV. No modifications of the terms of the treaty of alliance will be agreed to by His Britannic Majesty's Government without the consent of the Council of the League.

"V. If any dispute should arise between the Government of His Britannic Majesty and that of another Member of the League as to whether the provisions of the treaty of alliance or of the present decision are being fulfilled in Iraq, or as to their interpretation or application, such dispute, if it can not be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Art. 14 of the Covenant of the League.

"VI. In the event of Iraq being admitted to the League of Nations, the obligations hereby assumed by His Britannic Majesty's Government shall terminate.

"VII. On the conclusion of the period for which the treaty of alliance has been concluded, the Council of the League of Nations shall, if Iraq has not been admitted to the League, be invited to decide what further measures are required to give effect to Art. 22 of the Covenant."

Accepts the undertakings of the Government of His Britannic Majesty;

Approves the terms of the above communication as giving effect to the provisions of Art. 22 of the Covenant;

And decides that the privileges and immunities, including the benefits of consular jurisdiction and protection formerly enjoyed by capitulation or usage in the Ottoman Empire, will not be required for the protection of foreigners in Iraq so long as the treaty of alliance is in force.

The present instrument shall be deposited in original in the archives of the League of Nations, and certified copies shall be forwarded by the Secretary-General of the League of Nations to all Members of the League.

Done at Geneva, on the 27th day of September, One thousand nine hundred and twenty-four.

"B" class: "Other peoples, especially those of Central Africa, are at such a stage that the mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defense of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League."—*Covenant*, Art. 22, par. 5.

| *Territory* | *Mandatory* | *Terms Defined by Council* |
|---|---|---|
| Cameroons | France[1] | July 18, 1922 |
| Cameroons | Great Britain | July 18, 1922 |
| East Africa | Belgium[1] | July 18, 1922 |
| East Africa | Great Britain | July 18, 1922 |
| Togoland | France[1] | July 18, 1922 |
| Togoland | Great Britain | July 18, 1922 |

"C" class: "There are territories, such as Southwest Africa and certain of the South Pacific islands, which, owing to the sparseness of their population or their small size, or their remoteness from the centers of civilization, or their geographical contiguity to the territory of the mandatory, and other circumstances, can be best administered under the laws of the mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population."—*Covenant*, Art. 22, par. 6.

| *Territory* | *Mandatory* | *Terms Defined by Council* |
|---|---|---|
| Southwest Africa | Union of South Africa | December 17, 1920 |
| Samoa | New Zealand | December 17, 1920 |
| Nauru | Great Britain and Australia | December 17, 1920 |
| Former German Pacific islands south of Equator | Australia | December 17, 1920 |
| Former German Pacific islands north of Equator | Japan[1] | December 17, 1920 |

Nauru was allocated as a mandate of the British Empire by an agreement on July 2, 1919, between the London Government and those of the Commonwealth of Australia and the Dominion of New Zealand. The island is under an administrator appointed for the first term of five years by the Australian Government. There is a board of three commissioners, one appointed by each Government. The island comprises about 5,396.3 acres, of which 4,216.5 is phosphate-bearing.

[1]The United States has negotiated a separate treaty with the mandatory.

## Permanent Mandates Commission

**Constitution.** "In every case of mandate the mandatory shall render to the Council an annual report in reference to the territory committed to its charge," says Art. 22, par. 7, of the Covenant, which continues in par. 8: "A permanent commission shall be constituted to receive and examine the annual reports of the mandatories and to advise the Council on all matters relating to the observance of the mandates."

The constitution of the Permanent Mandates Commission was approved by the Council on November 29, 1920. The commission consists of nine members, the majority of whom are nationals of nonmandatory states. "All the members of the commission shall be appointed by the Council and selected for their personal merits and competence. They shall not hold any office which puts them in a position of direct dependence on their Governments while members of the commission."[1] The commission receives the annual reports respecting each mandated territory from authorized representatives of the mandatory, who are prepared to offer supplementary explanations or information. The reports are examined in the presence of these authorized representatives, who may participate in the discussion. The commission determines its conclusions and recommendations without the representative being present; but its observations are communicated to him and he is entitled to submit comments. Both documents are forwarded to the Council. Up to 1924 the commission held one meeting annually. Owing, however, to the wide distribution of mandated territories and the consequent failure to receive some reports before the Assembly, it was decided to hold two meetings each year, one before the Assembly and one after it. The commission as now constituted follows:

M. Freire d'Andrade, former foreign minister (Portuguese);
M. Beau, former ambassador (French);
Sir Frederick D. Lugard, G.C., M.G., C.B., D.S.O., former governor of Nigeria (British);
Pierre Orts, minister plenipotentiary (Belgian);
Leopoldo Palacios, professor at Madrid University (Spanish);
H. van Rees, former vice-chairman of Council of Dutch East Indies (Dutch);
Marquis A. Theodoli, president, former under-secretary of state at the Colonial Ministry (Italian);

[1]Resolution of the Council, November 29, 1920, *Official Journal*, I, No. 8, p. 87.

Mme. Anna BUGGE-WICKSELL, doctor of laws (Swedish);
H. Chiyuki YAMANAKA (Japanese).
*Extraordinary Member:* William E. RAPPARD, former director of the Mandates Section of the Secretariat.
*Representative of the International Labor Office:* H. A. GRIMSHAW.

**Meetings.** 1. Geneva, October 4–8, 1921.
2. Geneva, August 1–11, 1922.
3. Geneva, July 20–August 10, 1923.
4. Geneva, June 24–July 8, 1924.
5. Geneva, October 23–November 6, 1924.
6. Geneva, June 26–July 10, 1925.

The meetings of the commission have been increasingly searching inquisitions into the conduct of the administration of the mandates. Each mandate has its special problems ranging from the supervision of autonomous institutions in "A" mandates down through the safeguarding of the interests of primitive peoples in some of the "C" mandates. Reports of the mandatories are annually being developed as a result of requests by the commission for information. The commission receives petitions from responsible persons respecting the conduct of the mandates, and weighs their allegations in connection with statements made by the mandatory Governments. Questions of administration, administrative organization, movement of population, labor, education, public finance, public health, land tenure, judicial systems, moral, social and material welfare, etc., etc., are the subject of inquiry and observations by the commission.

One of the most important questions in international relations raised by the mandatory system is the national status of inhabitants of territories under "B" and "C" mandates. On this subject the commission has concluded as follows:[1]

1. It is important, in order that the principles laid down in Art. 22 of the Covenant may be respected and subject to the provisions in Resolution 3 below, that the native inhabitants of B and C mandated territories should be granted a national status wholly distinct from that of the nationals of the mandatory power.

2. A special law of the mandatory power should determine the status of these native inhabitants, who might be given a designation such as "administered persons under mandate" or "protected persons under mandate" of the mandatory power.

[1]*Official Journal*, IV, p. 659.

3. It is open to mandatory powers to which B and C mandated territories have been intrusted to make arrangements in conformity with their own laws for the individual and purely voluntary acquisition of their nationality by inhabitants of these territories.

A question of general economic interest is that of loans, advances, and investments of private capital in mandated territories. This question involves the security for loans, which are to be regarded as a free charge on the whole revenue of the mandated territory rather than upon particular public properties.[1]

To afford a view of the attitude taken by the commission the following quotations from observations resulting from the examination of reports at the Fifth Session are given:

"The commission has been interested to learn that the mandatory power has set up and is beginning to apply a system of registration of lands."

"It hopes that the next report will contain information on labor conditions in the small local factories (carpets, etc.)."

"The commission hopes to receive in the next report demographical statistics, relating more particularly to births, marriages, deaths, immigration and emigration."

"The commission notes with satisfaction that the accredited representative promised to supply more detailed information regarding the quantities and types of imported arms remaining in the territory."

"The commission is pleased to learn of the system whereby the employer must contribute to the education of the natives."

"The commission hopes that the next report will contain information of a reassuring nature concerning the health conditions of the laborers recruited in [adjacent territory] for employment in the mines."

"The commission will be glad to have more detailed and precise information concerning the imports and exports of the mandated territory itself."

"The commission hopes that the next report will contain statistics with regard to the change of the population, the number of native teachers, and attendance at the schools, together with the curricula in force at the primary and public schools."

"The commission desires to thank the mandatory power for

[1]*Minutes of the Fifth Session*, p. 180.

the exceedingly full information which it has supplied in the mandate report on the subject of public health."

### Temporary Committee on Slavery

Largely due to the information called to the attention of the Assembly and Council by the work of the Permanent Mandates Commission, a questionnaire respecting the existence of slavery was circulated to Member and other states at the instance of the Third Assembly. The Fourth Assembly expressed regret that the information thus supplied was insufficient "to form the basis of a sufficiently complete report" and suggested appointment of a commission by the Council. The Council at its December, 1923, session authorized the Secretary-General to send out another questionnaire. On March 14, 1924, the Secretary-General was asked to submit the names of experts for such an inquiry. The Temporary Committee on Slavery was appointed by the Council on June 12, 1924,[1] and consists of the following members:

M. Gohr (chairman) of Colonial Ministry (Belgian);
M. Freire d'Andrade (Portuguese);
M. Louis-Dante Bellegarde, former minister of Haiti in France (Haitian);
M. Delafosse, former governor-general of the Colonies (French);
Sir Frederick D. Lugard, G.C.M.G. (British);
Commander Roncagli (Italian);
H. van Rees (Dutch).
*Representative of the International Labor Office:* H. A. Grimshaw.

**Meetings.** Geneva, July 9–12, 1924.
Geneva, July 13–25, 1925.

[1]*Official Journal*, V, p. 909.

# III. COOPERATION OF STATES UNDER THE COVENANT

## 1. THE HEALTH ORGANIZATION

**Provisional Health Organization.** The health activities of the League are due to Art. 23 (*f*) of the Covenant which provides that the Members of the League "will endeavor to take steps in matters of international concern for the prevention and control of disease"; to Art. 24 declaring that all international bureaus should be under the direction of the League; and to Art. 25 by which Members agree to encourage and promote the establishment and cooperation of voluntary Red Cross organizations "having as purposes the improvement of health, the prevention of disease and the mitigation of suffering throughout the world."

The First Assembly, by a resolution passed on December 10, 1920, provided:

> It will be the task of the organization to deal with such matters as affect individual countries only in their relation to other countries.
>
> The main functions of the organization may be summarized under the headings which follow:
>
> *a.* To advise the League of Nations in matters affecting health;
>
> *b.* To bring administrative health authorities in different countries into closer relationship with each other;
>
> *c.* To organize means of more rapid interchange of information on matters where immediate precautions against disease may be required, and to simplify methods for acting rapidly thereon;
>
> *d.* To promote the conclusion of international agreements necessary for administrative action in matters of health, and their revision when required, and to collect information as to their fulfilment;
>
> *e.* To cooperate with the International Labor Office in matters affecting labor and health;
>
> *f.* To confer and cooperate with Red Cross Societies and other similar societies;
>
> *g.* To advise, when requested, other voluntary organizations in health matters of international concern;
>
> *h.* To organize missions in connection with matters of health.

**General Health Committee.** The Universal Sanitary Convention signed at Rome, December 9, 1907, established a formal Office international d'Hygiène publique. This office in June, 1919, voted that it should be placed under the direction of the League. Under the chairmanship of Viscount Astor, the British Ministry of Health convened a conference at the request of the Council on April 13, 1920, to draft a scheme of organization for the health activities of the League. This conference laid down the general lines of the organization as defined above. It also determined the relationship between the new organization and the Paris office. It was provided that the Paris office should be maintained and that its delegates should be members of the League's General Committee.

The Office international d'Hygiène publique found itself unable to accept the invitation of the Council to appoint representatives to sit on the proposed committee, on the ground that the United States, which was a member of the Office international, was not willing that any international organization on which it was represented should in any way be attached to the League. This decision was taken by the Office international d'Hygiène publique on April 25, 1921.

Following the failure of the Office international to cooperate, the Council resumed consideration of the question on June 22, 1921. It decided that, in view of the refusal of the Office international d'Hygiène publique to participate, the Provisional Technical Committee should be composed of not more than 12 persons, individually invited to sit, on the strength of their technical qualifications and not of their nationality, together with a representative nominated by the International Labor Office and a representative nominated by the League of Red Cross Societies.

**Permanent Health Organization.** A special mixed committee consisting of an equal number of the Health Committee of the League and the Office international d'Hygiène publique met at Paris from May 27–June 2, 1923, to prepare "a scheme for the constitution of the permanent health organization." The scheme formulated was approved by the Council of the League on July 7, 1923, and by the Fourth Assembly. It provides for the following organs:[1]

[1] *Official Journal*, IV, p. 1051.

The Health Organization of the League of Nations consists of:

(1) A General Advisory Health Council;
(2) A Standing Health Committee;
(3) A Health Section of the Secretariat of the League of Nations.

I. The Committee of the Office international d'Hygiène publique will act as the General Advisory Health Council. The Office international d'Hygiène publique will remain autonomous and retain its seat in Paris without any modification in its constitution or functions.

II. The Standing Health Committee will consist of the President of the Committee of the Office international d'Hygiène publique and 15 other members (public health experts or officers). Nine of these members will be appointed individually for three years by the Committee of the Office international d'Hygiène publique in such a way that each state which is a permanent Member of the Council of the League of Nations is represented on the Standing Health Committee. The remaining six members will be appointed, also for a period of three years, by the Council of the League of Nations after consultation with the Standing Health Committee.

The Standing Health Committee may be supplemented by the addition of not more than four public health experts as assessors; these assessors will be appointed by the Council of the League of Nations on the nomination of the Standing Health Committee and will be considered as fully effective members.

*General Advisory Health Council.*

I. The General Advisory Health Council will consider, discuss, advise or report on any question which may be submitted to it by the Standing Health Committee of the League of Nations.

II. It will initiate and transmit to the Standing Health Committee of the League of Nations any question which it may consider will be advanced by such a procedure.

III. The Health Section of the Secretariat of the League of Nations and the Office international d'Hygiène publique will keep closely in touch. Each will communicate to the other all documents relating to its work. . . .

*Standing Health Committee.*

I. The Standing Health Committee will direct the health work of the League of Nations, and, in particular, it will, through a Medical Director, direct the work of the Health Section of the Secretariat.

II. It will consider and report to the Council of the League of Nations on any public health question concerning the League of Nations which

may be submitted to it or initiated by the Standing Health Committee itself.

III. It has the right to appoint special committees to consider any inquiry, research or other public health matter, and it has the power to add to such special subcommittees any outside person whose qualifications it may consider will further the purpose aimed at.

IV. In order to enable the General Advisory Health Council to fulfill its duties, the Standing Health Committee will forward to the President of the Committee of the Office international d'Hygiène publique a yearly report relating to the work carried out by the Health Organization of the League of Nations during the preceding year. This report will also set out the questions with which the Standing Health Committee proposes to deal, to the extent of its competence as defined by the Council and the Assembly of the League of Nations.

*Health Section of the Secretariat of the League of Nations.*

The Health Section of the Secretariat of the League of Nations will form the Secretariat of the Health Organization of the League.

It will be under the direction of the Medical Director.[1]

The functions and duties of the Health Section will be those laid down by the Standing Health Committee subject to approval by the Secretary-General of the League of Nations.

The members of the Standing Health Committee until 1926 are:

Prof. Léon Bernard (France),
Sir George S. Buchanan (Great Britain),
Prof. Jean Cantacuzène (Rumanian),
Dr. H. Carrière (Switzerland),
Dr. Carlos Chagas (Brazilian),
Dr. Witold Chodzko (Polish),
Surgeon-General Hugh S. Cumming (United States),
Dr. Alexander Granville Pasha (Egypt),
Dr. Alice Hamilton (American),
Dr. N. M. Josephus Jitta (Dutch),
Prof. Ricardo Jorge (Portugal),
Dr. Alberto Lutrario (Italy),
Prof. Thorvald Madsen (Denmark), chairman;
Dr. P. Mimbela (Peru),
Dr. Bernard Nocht (Germany),
Prof. Donato Ottolenghi (Italy),
Prof. Gustave Pittaluga (Spain),
Dr. L. Raynaud (France),
Dr. Mitsuzo Tsurumi (Japan),
Dr. O. Velghe (Belgium).

**Meetings.** Owing to the delay in perfecting the permanent organization, the health work of the League has been conducted by two committees, as indicated above. Their meetings have been as follows:

[1]Dr. Lukwik Rajchman (Polish).

PROVISIONAL HEALTH COMMITTEE

1. August 25–29, 1921, Geneva.
2. October 20–22, 1921, Paris.
3. May 11–16, 1922, Paris.
4. August 14–21, 1922, Geneva.
5. January 8–13, 1923, Geneva.
6. May 26–June 6, 1923, Paris.

STANDING HEALTH COMMITTEE

1. Geneva, February 11–21, 1924.
2. Paris, May 7–10, 1924.
3. Geneva, September 29–October 4, 1924.
4. Geneva, April 20–25, 1925.

The Health Organization deals only with questions of international character. To an increasing extent it serves as the avenue of communication between the public health services of states. Its collection of information is not only exclusively international but is confined to questions in which several states have an interest. The specific fields with which it is concerned vary from year to year, but its activities may be said always to supplement efforts of national public health services either to secure information or to contribute to their efficient administration. It affords a means of cooperation in the domains both of scientific investigation and administration. The content of international conventions, so far as they relate to sanitary measures, naturally falls within its field of interest. The Health Section is becoming generally recognized as the suitable mediatory body for the solution of differences on such matters. There is a growing tendency to include in sanitary conventions a provision, of which the following from the Polish-Rumanian convention of December 20, 1922, is typical:[1]

Art. 28. If any dispute arising out of the application of this convention can not be settled by the contracting states through diplomatic channels, these states shall undertake, by mutual agreement, to resort to the mediation of the League of Nations (Health Section).

The activities of the committee are valuable chiefly from a technical point of view, which can only be adequately appreciated

[1] *Treaty Series*, XVIII, p. 119.

by a study of its extensive publications. Any summary would fail to do them justice and be of little use to the inquirer. The notices which follow are therefore confined to presenting a clear statement of the problems which are being attacked and of the organization created for handling them.

### Interchange of Public Health Personnel

The Rockefeller Foundation in 1922 began a contribution of $60,080 per annum, increased to $100,000 in 1925, for the interchange of public health personnel. The object sought is to familiarize officials engaged in medical work with what is being done in other countries. The interchanges are under the control of a subcommittee of the Health Committee consisting of,

Prof. Léon Bernard;
Sir George S. Buchanan;
Dr. H. Carrière;
Dr. Alberto Lutrario;
Dr. O. Velghe.

The following interchanges have been held:

October 8–December 17, 1922. Collective interchange of 22 public health officials of Belgium, Bulgaria, Czechoslovakia, Italy, Poland, Russia, the Serb-Croat-Slovene State and the Ukraine studying sanitary and health organization in Belgium and Italy.

February 24–May ,1923. Collective interchange of 29 medical officials of Austria, Belgium, Czechoslovakia, Denmark, Finland, France, Hungary, Italy, Japan, Norway, Poland, Rumania, Russia, Serb-Croat-Slovene State, Sweden and the United States studying public health organization in England and Austria.

May 21–June 12, 1923. Sixteen specialists in malaria studying in Italy methods of fighting malaria, which is endemic there.

September, 1923. Eight bacteriologists and laboratory workers of Belgium, Denmark, Germany, Great Britain, Italy, Poland, Serb-Croat-Slovene State and the United States exchanged between their respective institutes; for instance, the London Institute of Tropical Medicine exchanged personnel with the Dutch Institute of Tropical Medicine.

September 26, 1923–January , 1924. Collective interchange of 24 public health officials of Belgium, Brazil, Canada, Chile, France, Germany, Great Britain, Greece, Netherlands, Italy,

Mexico, Norway, Poland, Russia, Salvador, Serb-Croat-Slovene State, Spain and Switzerland. The officers made a general inspection of medical and health activities in Washington, Virginia, North Carolina, Alabama, Massachusetts, New York and Pennsylvania.

February 1–April 12, 1924. Collective interchange of 25 health officers from 20 countries in Great Britain.

February 6–April 30, 1924. Interchange of 16 public tuberculosis experts of 13 countries studying in Austria, Czechoslovakia, Hungary, France, Belgium, Great Britain, Netherlands and Switzerland.

February 6–April 30, 1924. Thirteen school health officers of 12 countries studying in 3 countries.

April 24–July 14, 1924. Collective interchange of 27 health officers of 21 countries in the Netherlands and Denmark.

August 10–September 20, 1924. Collective interchange of medical health officers in Switzerland.

February 9–March 27, 1925. Fifteen medical officers, commissioned by their public health services, in study of local conditions in England.

March 4–July 7, 1925. Latin American health officers from Argentina, Brazil, Colombia, Cuba, Mexico, Paraguay, Costa Rica, Peru, Uruguay and Venezuela studying health practice in Cuba, United States, Canada, Great Britain, Netherlands, Belgium, France, Switzerland and Italy.

March 23–May , 1925. Nine medical inspectors of labor from Belgium, Czechoslovakia, Great Britain, Japan, Netherlands, Poland, Russia, Serb-Croat-Slovene State and United States studying industrial hygiene in Belgium, France, Great Britain and the Netherlands; in conjunction with the International Labor Office.

May 4–June 26, 1925. Fourteen health officers from Austria, Danzig, Denmark, France, Germany, Great Britain, Irish Free State, Italy, Poland, Portugal, Russia, Spain, Serb-Croat-Slovene State and Switzerland studying sanitary organization in Belgium.

June, 1925. Collective interchange in Serb-Croat-Slovene State.

October, 1925. Fourteen medical officers from Australia, Ceylon, China, Dutch East Indies, Federated Malay States, Hong-

Kong, India, and Burma, Indo-China, New Zealand, Philippines, Russia, Shanghai, Siam and Straits Settlements studying preventive and tropical medicine in Japan.

In 1926 collective interchanges will be held in Great Britain, Germany and Denmark, six public health officers of Central and South America participating. Twenty members of colonial health services of Belgium, France, Great Britain, Portugal, Spain and the Union of South Africa will participate in a study tour of Africa. An interchange of specialists in child welfare will be organized and a conference of port health officers held.

Individual exchanges are also organized.

On April 6, 1924, at the close of the conference which ended the British interchange, the medical officers decided to set up an International Association of Medical Officers of Health, which would be restricted at first to medical officers who had taken part in interchanges. A small provisional committee was appointed consisting of representatives of the United States of America, Italy, Ecuador, Germany, Russia, Poland, France and Great Britain; Professor Christiani of Geneva acts as secretary. One object of the association is to second as far as possible the work of the Health Organization.

## Epidemic Commission

Early in 1919 the League of Red Cross Societies drew the attention of its constitutent societies to the serious epidemic conditions in eastern Europe, and a commission examined the situation. This commission, of which Dr. Hugh S. Cumming, Surgeon-General, U.S.A., was a member, reported that the task was beyond the means and resources of the local administrations and of private voluntary organizations. Accordingly, the Council on March 13, 1920, requested the London Health Conference to draw up a program to cope with the situation. The Epidemic Commission of the League[1] was authorized by the Council on May 19, 1920, and immediately set to work with Dr. F. Norman White as medical commissioner. The work of the commission is replete with romance of the fight against natural enemies of

[1]Those who have served on the commission have been: Dr. F. Norman White, chief commissioner; Dr. W. E. Haigh, Dr. Pantaleoni, Dr. Wroczynski, Col. A. Gauthier, Dr. Ludwik Rajchman and Dr. Rulot.

man. From its organization till August 1, 1921, it had expended about $1,000,000 in its work from sums contributed by Governments for the purpose. Over 3,000,000 persons were vaccinated in Greece.

The most active fields of work have been in Greece, Poland and Russia. The Warsaw office was closed early in 1924, but the work in Greece continued chiefly among refugees and in the form of cooperation with the administrative authorities. The chief commissioner made an extensive tour through the Far East in 1923 which has further developed the information service and the groundwork plans for immediate action in case of outbreaks of plague. In 1924 an inquiry into the prevalence of plague in Russia was instituted. This was both preceded and succeeded by continuous cooperation of the Soviet authorities, who are laying special emphasis upon the development of medical service. Since 1924, Dr. White as chief commissioner has been principally active in the technical inquiries respecting epidemiological conditions rather than the active combating of disease.

Owing to an annual grant of $32,840 of the Rockefeller Foundation, the Health Organization has been able since 1922 to conduct an Epidemiological Intelligence Service[1] which issues the *Monthly Epidemiological Report.* The international character of epidemiological service made it desirable to extend this intelligence service to the Far East. A bureau for the collection of information and the broadcasting of periodical reports was established at Singapore, and began service in May, 1925. The Rockefeller Foundation has contributed $125,000 for its maintenance through a five-year period.

## Serological and Biological

The Provisional Health Organization undertook to secure a technical reform of the most far-reaching importance in the standardization of sera and serological tests. The international character of medical science forced the nations to an agreement signed at Brussels on November 29, 1906, for the unification of the formulas of potent drugs; but in the interval serum came

[1]The subcommittee of the committee in direct contact with this work consists of Dr. Léon Bernard, Sir George S. Buchanan, Dr. Alberto Lutrario, Dr. O. Velghe and Prof. Thorvald Madsen.

to be widely used as a means of treatment. Sera were made by different processes in different countries. Dosage is frequently beneficial in a given strength or quantity and harmful when a very slight change is made. To establish international standards that would insure uniformity in sera, the Health Committee convened a conference at London on December 12–14, 1921. Delegates of medical institutes of Austria, Belgium, Denmark, France, Germany, Great Britain, Italy, Japan, Poland, Switzerland, United States attended. A scheme of coordinated investigation of the problems involved was agreed upon, to be centralized in the Copenhagen Institute. A second conference convened at Paris at the Pasteur Institute on November 20–26, 1922, with delegates of Rumania and Soviet Russia attending in addition. This was preceded by an intermediate conference at Geneva, September 25–27,[1] which determined certain anti-toxin units. It was found, for instance, that one German unit of tetanus anti-toxin corresponded to 67 American and 2,500 French units, an intermediate standard being decided upon for all. A Technical Laboratory Conference was held at Copenhagen, November 19–December 3, 1923, to report on the investigations in the sero-diagnosis of syphilis. Drs. Armstrong and Dyer of the Hygienic Laboratory, U. S. Public Health Service, participated.

A Permanent Standards Committee with respect to serological and biological products was established to coordinate the work of the medical laboratories. Progress has been made with respect to anti-dysenteric, anti-pneumococcal and anti-diphtheritic sera, the serodiagnosis of syphilis, the standardization of arseno-benzol products, tuberculin and insulin. The committee is made up of the following members:

PERMANENT STANDARDS COMMITTEE

Prof. Thorvald MADSEN, chairman, director of research;

Dr. George W. McCOY, director of the Hygienic Laboratory, Washington;

Dr. Léon Charles Albert CALMETTE, deputy director, Pasteur Institute, Paris;

Prof. Henry Hallett DALE, director of the National Research Institute, London;

Prof. Bernard NOCHT, director of the Institute of Tropical and Experimental Medicine, Hamburg;

Dr. Ludwik RAJCHMAN, medical director of the League, secretary.

[1]The delegates were from Denmark, France, Germany, Italy, Japan, Soviet Russia and the United States.

## Malaria Commission

The Provisional Health Committee appointed a malaria subcommittee at its sixth session. This became the malaria commission at the first meeting of the Standing Health Committee and consists of the following members:

Dr. Alberto Lutrario, chairman;
Prof. Gustave Pittaluga;
Prof. Donato Ottolenghi;
Dr. L. Raynaud;
Dr. Bernard Nocht;
*Experts:*
Col. S. P. James;
Dr. Marchoux;
*Corresponding Members:*
Dr. Labranca (Italy);
Dr. Rubashkin (Ukraine);
Professor Swellengrebel (Netherlands);
Professor Marcinowski (Russia);
Dr. Sfarcic (Serb-Croat-Slovene State);
Dr. Anigstein (Poland);
Professor Ciuca (Rumania);
Col. Christophers (British India);
Professor Brumpt (France);
Dr. Samuel Taylor Darling[1] (United States);
Dr. Markoff (Bulgaria);
Dr. Moutoussis (Greece);
Dr. Basso (Smyrna).

The committee is undertaking three inquiries: Into the incidence of malaria; into its epidemiology; into the world's requirements of quinine and into the problems connected with its manufacture, production and distribution. A questionnaire has been sent to the countries in which malaria is endemic. A tour of study has been undertaken in Bulgaria, Greece, Italy, Rumania, Russia, Serbia, Macedonia and the Ukraine. At the request of the Albanian Government a special survey of the situation there has been made.

## Cancer

A subcommittee of the Provisional Health Committee was appointed on this subject on June 5, 1923. It was reconstituted by the Standing Health Committee, February 20, 1924, with the addition of experts and consultants. The immediate problem attacked was an investigation into the causes of the disproportionate mortality from certain forms of cancer observed in Great Britain, the Netherlands and Italy. The committee consists of:

[1]Killed in an automobile accident in Syria.

### Cancer Commission

Sir George S. Buchanan, chairman;
Dr. Alberto Lutrario;
Dr. N. M. Josephus Jitta;
Prof. Léon Bernard;
Dr. H. Carrière.

*Experts:*

Dr. H. D. Deelman (Netherlands);
Prof. Giuseppe Giardina, Italian Health Administration;
Prof. Ernesto Pestalozza (Italy);
Dr. Major Greenwood, British Ministry of Health;
Dr. H. Pottevin, deputy director of the Office international d'Hygiène publique.

*Consultants:*

Prof. Alfredo Niceforo, professor of statistics, University of Naples;
Dr. J. Lane-Claypon, British Ministry of Health;
Dr. H. W. Methorst (Netherlands).

## Public Health Training

The Health Committee on January 11, 1923, asked the Medical Director to collect information from the universities of America, Europe and Japan regarding the study of medical and social hygiene. On February 20, 1924, the committee appointed a commission to examine the information collected, to continue the inquiry and to make recommendations as to the courses of study which in its opinion are most likely to yield the highest value in public education both from the scientific and practical points of view. The commission has worked out a very complete schedule to this end.[1] The commission follows:

### Commission on Public Health Training

Prof. Léon Bernard;
Dr. Witold Chodzko;
Dr. Thorvald Madsen;
Prof. Donato Ottolenghi;
Dr. Ludwik Rajchman, secretary.

*Correspondents:*

Prof. William H. Welch, Johns Hopkins University;
Sir George Newman;
Dr. Andrew Balfour;
Dr. Stampar.

## Tropical Diseases

The problem involved in the effective combating of diseases peculiar to the tropics was brought to the attention of the Provisional Health Committee by the Mandates Commission, which had learned from the reports of the mandatory states something of the scope of the problem. The question of sleeping sickness

[1]Health Committee. *Minutes of the Third Session*, p. 49–54.

had in fact been approached before the World War and there had been held in London in June, 1907, an international conference on that subject. The Health Committee appointed four experts on May 15, 1922, to report upon sleeping sickness and tuberculosis in equatorial Africa. On February 21, 1924, the committee named three of its own members to guide the work of the experts with respect to health conditions in mandated territories. The committee as thus constituted is made up as follows:

Dr. Ricardo JORGE;
Prof. Donato OTTOLENGHI;
Dr. Alexander GRANVILLE.

*Experts:*
Dr. Andrew BALFOUR, chairman;
Dr. E. VAN CAMPENHOUT;
Dr. Gustave MARTIN;
Dr. A. G. BAGSHAWE.

On September 29, 1924, the Health Committee appointed a subcommittee on administration measures concerning the epidemiology of tropical diseases as follows:

Dr. Carlos CHAGAS;
Dr. O. VELGHE;
Dr. Bernard NOCHT;
Sir George S. BUCHANAN;
Dr. Gustave PITTALUGA;
Dr. L. RAYNAUD;
Dr. Ricardo JORGE.

## QUARANTINE CLEARANCE OF SHIPS

The Health Committee on May 9, 1924,[1] decided to intrust to a commission the task of studying the practical measures necessary to facilitate the conclusion of agreements limiting the formalities which hamper commercial relations with particular respect to the delays involved in the quarantine clearance of ships at ports of call. This proposal was referred by the Fourth Assembly[2] on the initiative of the Dutch Government, which called attention to the fact that the International Sanitary Convention of 1912 contemplated an agreement upon the subject. Though that convention requires revision, it was decided that for the time it should be recommended to Governments to conclude separate agreements. Such a draft agreement between Belgium and the Netherlands was submitted to the committee and was approved by it[3] on

[1] *Minutes of the Second Session*, p. 17.
[2] *Resolutions and Recommendations* . . . 1923, p. 11.
[3] *Minutes of the Fourth Session*, p. 168.

April 24, 1925. A resolution[1] of the same date urged the conclusion of such agreements by other maritime countries and recommended a clause providing for recourse to an international health organization for conciliation of differences arising from the interpretation of the agreements.

The commission consists of:

Dr. Hugh S. Cumming;
Sir George S. Buchanan;
Dr. O. Velghe;
Dr. N. M. Josephus Jitta;
Dr. Bernard Nocht;
Dr. L. Raynaud;
Dr. Mitsuzo Tsurumi;
Dr. P. Mimbela.

The following three committees are working with other technical organizations of the League:

Temporary Mixed Subcommittee on Anthrax

*For the Health Committee:*
Dr. L. Raynaud;
Dr. Bernard Nocht;
Prof. Donato Ottolenghi.

*For the International Labor Office:*
M. Glibert;
Dr. Loriga;
Dr. Collis.

Opium Commission

Dr. Erik Knaffl-Lenz, expert;
Dr. O. Velghe;
Dr. H. Carrière, chairman;
Dr. Witold Chodzko;
Prof. Ricardo Jorge;
Dr. Bernard Nocht.

Waterways Commission

Dr. Witold Chodzko, chairman;
Dr. Alberto Lutrario;
Dr. H. Carrière.

## Vital Statistics

A series of committees has been set up to examine questions involving the comparability of international vital statistics, especially upon the points which have given concern and difficulty to medical statisticians and health officers for many years. The committees are as follows:

*Joint Causes of Death:*
Dr. T. H. C. Stevenson (Great Britain);
Dr. W. H. Davis (United States), chief statistician on Vital Statistics, Bureau of the Census;
Dr. S. Rosenfeld (Austria);
Dr. E. Roesle (Germany).

*Standard Million Population:*
Prof. Alfredo Niceforo (Italy);
Prof. E. Wurzburger (Germany);

[1] *Minutes of the Fourth Session*, p. 49, 178.

Prof. Edwin B. Wilson (Harvard University);
Dr. J. Brownlee (Great Britain).

*Age and Sex Classification:*
Dr. H. J. Hansen (Denmark);
R. H. Coats, statistician of the Dominion of Canada;
Prof. Raymond Pearl (Johns Hopkins University);
Comm. A. Aschieri (Italy).

*Still-births:*
Dr. Reginald Dudfield, O.B.E., M.A., M.B., chairman, (Great Britain);
Dr. Eardley L. Holland, M.D., F.R.C.S., F.R.C.P., (Great Britain);
M. Huber, chief of the Central Statistical Office of France, (France);
Dr. Marcel Ney (Switzerland);
Prof. G. Hedrén (Sweden);
Dr. T. H. C. Stevenson, C.B.E. (Great Britain).

The Committee on Joint Causes of Death made a report to the Fourth Session of the Committee. Its principal recommendation was for the introduction into general international use of a standard form of certificate of the cause of death, distinguishing between the immediate cause and the contributory causes. Standardization in this respect will contribute greatly to the understanding of the actual prevalence of diseases and throw light upon the relation to climatic and other local conditions.[1]

The Committee on the definition of still-birth rendered a report dated April 1, 1925, which was transmitted to the Governments for their observations. If the experts' definition of "dead-birth," which they regarded as a preferable term, is accepted by the Governments there will be for the first time a general agreement upon a problem which has been most puzzling to those using vital statistics.[2]

A Tuberculosis Commission was organized to study a large number of points relating to the disease and the measures to be taken for combating it. Particular stress has been laid upon the decline of mortality from it and the following commission has been appointed to conduct investigations:

Commission on Tuberculosis Mortality

Prof. M. Tsurumi, chairman;
Dr. Thorvald Madsen;
Dr. Hugh S. Cumming;
Prof. Léon Bernard;
Dr. O. Velghe;
Prof. Donato Ottolenghi;
Dr. Major Greenwood.

[1] *Minutes of the Fourth Session*, p. 80.
[2] *Ibid.*, p. 52. Report at p. 76.

## European Health Conference

The European Health Conference, convened at Warsaw from March 20–28, 1922, was the first coordinated effort on the part of governmental public authorities to fight epidemics in Europe. Summoned by the Polish Government on the invitation of the Council, it was attended by representatives of: Austria, Belgium, Bulgaria, Czechoslovakia, Danzig, Denmark, Esthonia, Finland, France, Germany, Great Britain, Greece, Hungary, Italy, Japan, Latvia, Lithuania, Netherlands, Norway, Poland, Rumania, Russia, Kingdom of the Serbs, Croats and Slovenes, Spain, Sweden, Switzerland, Turkey and Ukraine.

First all-European conference after the World War, including Soviet Russia, Ukraine, Germany, Hungary and Turkey.

Results—A comprehensive plan of campaign to strengthen sanitary defenses of states bordering on Russia.

Organization of sanitary training courses in Warsaw, Moscow and Kharkov.

Conventions concluded between Russia and the border states and the states of eastern and central Europe for exchange of epidemic information, notification of diseases, agreement on measures of prevention, and of combating infectious maladies.

Health Section of League made arbiter of all epidemic disputes.

## 2. ECONOMIC AND FINANCIAL ORGANIZATION

The League has from the beginning been active in the fields of economics and finance.

On the invitation of the Secretary-General a conference on International Cooperation in Statistics was held in London, August 14–15, 1919, before the League was formally in being. The Council at Rome in May, 1920, appointed a commission to advise it upon what steps should be taken. This commission met at Paris on October 10, 1920, and surveyed the field, which was then more or less dominated by the Supreme Economic Council, a development from the Supreme War Council which had been active during the World War. Eventually, in July, 1921, the League continued the publication of the *Monthly Bulletin of Statistics,* which otherwise would have ceased with the dissolution of the Supreme Economic Council in the previous May.

The first definite action of the League in this field was the convening of the Brussels International Financial Conference which sat from September 24 to October 8, 1920, and was attended by representatives of 39 states, including the United States. The conference produced a series of resolutions which were generally recognized as a fundamental statement of the financial problems involved in reconstruction.

The resolutions of the conference were forwarded to Member states by the Council, which, in accordance with them, on October 25, 1920, decided upon the creation of a financial and economic organization consisting of two sections of 10 members each to proceed separately with their technical work and to meet as a single committee whenever proposals of a general nature are to be laid before the Council, or at the request of either.[1] The First Assembly confirmed this action. The Provisional Economic and Financial Committee was appointed by the Council on November 14, 1920, to serve during 1921. It was continued provisionally through the calendar years 1922 and 1923 by the Council.[2] On September 10, 1923, the Council prolonged its term of office until further order and dropped the word "pro-

[1]Council, *Minutes of the 10th Session,* p. 29 and 209.

[2]Council, *Minutes of the 14th Session,* p. 101; *Official Journal,* III, p. 1398.

visional" from the title, which then became Economic and Financial Commission.[1]

## Economic and Financial Commission

Gustave Ador, chairman (Swiss)

*I. Financial Committee.*

Comm. Bianchini, director general of the Italian Bank Association (Italian);

L. Dubois, president of the Swiss Bank Society (Swiss);

J. Figueras, director of the Bank of Bilbao (Spanish);

Albert E. Janssen, director of the Belgian National Bank (Belgian);

C. E. ter Meulen (Dutch);

Sir Otto E. Niemeyer, K.C.B., financial director of the British Treasury (British);

Jean Parmentier, honorary director general at the French Ministry of Finance (French);

Dr. Vilem Pospisil, vice-president of the Banking Association, director general of the Prague Savings Bank (Czechoslovak);

T. Sekiba, assistant delegate to the Reparation Commission (Japanese);

Sir Henry Strakosch (South African);

Carlos A. Tornquist (Argentine);

Marcus Wallenberg, vice-president of the Stockholm Enskilda Bank (Swedish).

*II. Economic Committee.*

Jules Brunet, envoy extraordinary, minister plenipotentiary (Belgian);

C. A. B. Campion (Australian);

Julio Augusto Barboza Carneiro, commercial attaché to the Brazilian Embassy in London (Brazilian);

Jan Dvoracek, chief of the economic section, Czechoslovak Foreign Ministry (Czechoslovak);

Henri Heer, president of the Swiss Cooperative Society for the Promotion of Foreign Trade (Swiss);

Adolf Jensen, chief of the department of statistics, Danish Ministry of Finance (Danish);

S. Matsuyama, Japanese commercial attaché (Japanese);

Professor Eugène Neculcea, Rumanian delegate to the Reparation Commission (Rumanian);

Dr. Alberto Pirelli (Italian);

Daniel Serruys, director of commercial agreements, French Ministry of Commerce (French);

Sir Hubert Llewellyn Smith, G.C.B., economic adviser to the British Government (British);

Antoine Wieniawski, president of the Bank of Commerce (Polish).

The chairmanship of each committee is held in rotation.

[1] *Official Journal*, IV, p. 1303.

## Financial Committee

Meetings.

1. Geneva, November 23–December 1, 1920.
2. London, February 24–28, 1921.[1]
3. Paris, March 28–31, 1921.[2]
4. London, May 23–31, 1921.[2]
5. Geneva, August 31–September 8, 1921.[3]
6. London, February 23–March 1, 1922.[4]
7. Geneva, June 6–9, 1922.[5]
8. Geneva, September 4–8, 1922.[6]
9. Geneva, September 9–October 3, 1922.[7]
10. Geneva, June 21–24, 1923.[8]
11. Geneva, August 31–September 5, 1923.[9]
12. London, November 20–28, 1923.[10]
13. Paris, December 12–20, 1923.[10]
14. London, January 18–22, 1924.[11]
15. Geneva, June 11–17, 1924.[12]
16. Geneva, September 9–15, 1924.[13]
17. Geneva, February 6–13, 1925.[14]
18. Geneva, June 4–8, 1925.[15]

The work of the two committees has become more and more differentiated.

The principal work of the Financial Committee has been in connection with reconstruction.

The committee prepared the plan for the financial reconstruc-

[1]Council, *Minutes of 12th Session*, p. 165, and Addendum to Annex 180.

[2]Devoted to Austria. See *Financial Reconstruction of Austria, Report of the Financial Committee of the Council (with relevant papers)*.

[3]Council. *Minutes of 15th Session*, p. 145 (A. 95. 1921).

[4]*Official Journal*, III, p. 633. [5]*Ibid.*, p. 994. [6]*Ibid.*, p. 1399.

[7]Devoted to Austrian reconstruction. See Council, *Minutes of 22d Session*.

[8]*Official Journal*, IV, p. 941. [9]*Ibid.*, p. 1446.

[10]Devoted to financial reconstruction of Hungary. *Official Journal*, V, p. 413.

[11]Held in conjunction with the Hungarian Committee of the Council. *Cf. Official Journal*, V, p. 716.

[12]*Official Journal*, V, p. 1015.

[13]Devoted to Austrian reconstruction and Greek refugee settlement. *Cf. Official Journal*, V, p. 1552 and 1558.

[14]*Official Journal*, VI, p. 520; also separately as C. 100. 1925. II.

[15]*Ibid.*, p. —; also separately as C. 335. M. 116. 1925. II.

tion of Austria, drafted protocols submitted to the states concerned, and has taken responsibility under the Council for the execution of the project.

In the financial reconstruction of Hungary the committee has performed similar services.

It drafted the protocol for the Greek Refugee Settlement Commission, and is intrusted with general oversight of the plan. The loan was determined by the committee, with which F. R. Dolbeare sat during the negotiations as a representative of the United States Department of State.

Each of these general problems constantly develops questions of detail. In the 17th session the committee examined the position of the Austrian budget, the progress of administrative reforms, the centralization of public finance, the relations of the state with the administrative, financial and fiscal authorities of the provinces, the economic status of the country, and the conduct of the national bank. With respect to Hungary it took up in detail the operation of the tobacco monopoly, studied and postponed the creation of a single munitions factory, studied the very complicated question of the increase of salaries of state officials and the problem of attracting capital for investment purposes, went into great detail in connection with the charges under the treaty of Trianon, as well as the status of the national bank.

The financial position of the Free City of Danzig has been the subject of constant study and recommendations since 1921. A municipal loan of £1,500,000 has been floated under a contract by which a member of the Financial Committee is trustee of the loan by appointment of the Council of the League. The committee has had much to do with guiding the currency reform of the Free City.

The Financial Committee was requested in September, 1924, by the Esthonian Government to send experts to study the situation with a view to advising the Government what policy it should pursue in the economic and financial crisis through which it was passing. A delegation from the committee consisting of Joseph Avenol and A. Loveday of the Secretariat made the investigation and prepared a report reviewing and analyzing the condition of the country. Among the definite suggestions made were that the Bank of Esthonia should be made completely

independent of the state and reorganized on the same principles adopted for the Banks of Issue of Austria, Hungary and Danzig. The metallic reserve might be concentrated in the bank. Suggestions were made looking to the better employment of the reserve. It was also proposed that a mortgage institute should take over all government long-term loan operations. The report was published at the request of Esthonia.

The committee has appointed Messrs. Dubois, Janssen and Niemeyer to serve with members of the Economic Committee in the study of economic crises.

The international credit (Ter Meulen) plan of the Brussels conference was conducted separately up to June, 1922. It is regarded as a temporary method and as countries have revived they have been able to dispense altogether with it.

In April, 1922, Czechoslovakia signed a contract with Baring Brothers for the issue of a public loan. The contract contained clauses providing action by the Council in the event of certain contingencies. These duties are taken over by the committee.

As regards the international application of the principles of sound finance, the committee confines itself to urging the application of the resolutions of the Brussels and Genoa Conferences. The committee is charged with the duty of supplying technical advisers to states wishing to obtain their services.

**Double Taxation and Tax Evasion.** The first step taken by the Financial Committee toward the solution of the problem of double taxation was the appointment of the following Committee of Experts:

Professor Einaudi (Italian);
Sir Josiah C. Stamp (British);
Professor G. W. J. Bruins (Dutch);
Professor E. R. A. Seligman (American).

This committee agreed upon a comprehensive report which was submitted to the Financial Committee. It was approved, and then transmitted to a committee of government officials for study from its administrative point of view and in relation to the problem of fiscal evasion. This committee for 1925 consists of the following:

### Committee of Government Experts on Double Taxation

G. B. Canny, C.B., of the Board of Inland Revenue (Great Britain);

M. Borduge, director general of direct taxation (France);

M. Clavier, director general of Direct Taxation (Belgium);

Jean Blau, director of the Federal Taxation Department (Switzerland);

Professor Pasquale d'Aroma, director general of the Direct Taxation Department (Italy);

J. H. R. Sinninghe-Damste, director general of Taxes, Customs and Excises (Netherlands);

Dr. Valnicek, chief of section at the Czechoslovak Ministry of Finance (Czechoslovakia).

**Meetings.** Geneva, June 4–9, 1923.
Geneva, October 8–13, 1923.
Geneva, March 31–April 7, 1924.
Geneva, October 20–27, 1924.
Geneva, February 2–7, 1925.

This committee besides its own studies gave hearings to interested organizations, such as the International Chamber of Commerce. On February 7, 1925, these technical experts submitted a report and resolutions which, however, they did not regard as final because they felt that the inquiry should be widened by reorganization of the committee to include experts from other countries. The Council has instructed the Secretary-General to convoke a conference of experts to transform the conclusions of the report into a draft international convention.

### Economic Committee

**Meetings.**

1. Geneva, November 30–December 6, 1920.
2. London, February 22–25, 1921.[1]
3. Geneva, September 3–12, 1921.[2]
4. Geneva, March 20–25, 1922.[3]
5. Geneva, June 8–10, 1922.[4]
6. Geneva, September 4–13, 1922.[5]
7. Geneva, January 20–23, 1923.[6]
8. Geneva, March 26–29, 1923.[7]

[1]Council, *Minutes of 12th Session*, p. 165.
[2]Council, *Minutes of 14th Session*, p.145. [3]*Official Journal*, III, p. 620.
[4]*Ibid.*, p. 990. [5]*Ibid.*, p. 1399. [6]*Ibid.*, IV, p. 269. [7]*Ibid.*, p. 951.

9. Geneva, May 14–16, 1923.[1]
10. Geneva, August 30–September 3, 1923.[2]
11. Geneva, February 26–29, 1924.[3]
12. Geneva, May 8–11, 1924.[4]
13. Geneva, August 26–30, 1924.[5]
14. Geneva, January 28–31, 1925.[6]
15. Geneva, May 26–June 3, 1925.[7]

**International Conference on Customs Formalities.** The International Conference on Customs Formalities, held under the auspices of the League of Nations October 15–November 2, 1923, resulted in the framing of an international convention. Thirty-five states took part:

Australia, Austria, Belgium, Brazil, British Empire, Canada, Chile, China, Czechoslovakia, Denmark, Egypt, Finland, France, Germany, Greece, Hungary, India, Irish Free State, Italy, Japan, Kingdom of the Serbs, Croats and Slovenes, Lithuania, Luxemburg, Netherlands, Protectorate of Morocco, Poland, Portugal, Rumania, Siam, South Africa, Spain, Sweden, Switzerland, Tunis, Uruguay.

The United States sent an observer and four experts. The International Chamber of Commerce sent a delegation in an advisory capacity.

The convention covers the following subjects, all of which had been carefully studied in advance by the committee:

1. The elimination of excessive, unnecessary or arbitrary customs formalities, and the equitable treatment of the commerce of all the contracting states:
2. Reduction of import and export prohibitions and restrictions;
3. Obligation on the part of the contracting states to publish their customs and other similar regulations as well as their tariffs; facilities for making these publications accessible to all whom they may concern; centralization of these publications;
4. Redress of unjust administrative decisions;

[1] *Official Journal*, IV, p. 951. [2] *Ibid.*, p. 1442.
[3] *Ibid.*, V, p. 553; also separately as C. 90 (1). M. 33. 1924. II.
[4] *Ibid.*, p. 945; also separately as A. 9. 1924.
[5] *Ibid.*, p. 1472; also separately as C. 451 (1). M. 178. 1924. II.
[6] *Ibid.*, VI, p. 515; also separately as C. 42 (1). M. 60. 1925. II.
[7] *Ibid.*, p. —; also separately as C. 309. M. 114. 1925. II.

5. Technical facilities of international commerce;

6. Further attempts to simplify and to make more uniform and reasonable the formalities relating to clearance of goods through the customs, examination of travelers' luggage, the system of goods in bond, and warehousing charges;

7. Coordinated recording of progress made.

Art. 22 of the convention[1] provides that any dispute "as to the interpretation or application of the provisions" of the convention, if not settled by other methods, shall be submitted, "with a view to an amicable settlement, to such technical body as the Council of the League of Nations may appoint for this purpose. This body will give an advisory opinion after hearing the parties and effecting a meeting between them if necessary." The Council designated the Economic Committee as the technical body. The rules of procedure[2] stipulate that two members of the committee and assessors representing the parties shall constitute the organ of investigation. Gustave Ador, president of the Economic and Financial Commission, and the chairman of the Economic Committee at the time, represent the committee.

**Statistics.** The Preparatory Committee on Statistical Methodology held its first meeting in The Hague on January 10–11, 1923.[3] This committee grew out of a joint meeting in London on December 4–5, 1922, of representatives of the Economic Committee, the International Labor Office and the International Institute of Statistics, to discuss what practical measures might be adopted to increase the comparability of methods in use in different countries in the compilation of economic statistics. Definite resolutions with regard to trade, agricultural and mineral statistics were adopted at the second meeting at The Hague, June 6–10, 1923.[4]

The International Institute of Statistics at Brussels in September, 1923, adopted an extensive series of resolutions dealing with international trade, agriculture, fisheries, prices, and other indices of economic conditions. These gave a new point of departure to the work and resulted in the Preparatory Committee drawing up a new program of work in May, 1924. At that time four subcommittees were appointed to deal with the

[1] *Official Journal*, IV, p. 1589; *Treaty Series*, XXX, p. 371.
[2] *Official Journal*, V, p. 948. [3] *Ibid.*, IV, p. 275. [4] *Ibid.*, p. 966.

following special aspects of the problem: stocks, current statistics of production, census of production, and classification of industries. A series of reports was prepared for submission to the International Institute of Statistics at its meeting in September, 1925. It is hoped that the entire program for the survey of the statistical field can be completed in 1926, until which time the existing system of cooperation will continue.

**Trade Prohibition.** The committee under a resolution of the Fifth Assembly undertook a study of the abolition of import and export prohibitions and restrictions under the direction of the subcommittee on an equitable treatment of commerce. The subcommittee has been assisted by Austrian, German, Hungarian, and Serb-Croat-Slovene experts. A preliminary survey developed the fact that international law has always recognized the propriety of safeguarding the state with respect to ten categories of trade:

1. Prohibitions or restrictions having in view public order or safety or national defense;
2. Prohibitions or restrictions issued on grounds of public health;
3. Prohibitions or restrictions having in view the protection of animals and plants against disease, degeneration or extinction;
4. Prohibitions or restrictions imposed for moral or humanitarian reasons or for the suppression of improper traffic, provided that the manufacture of and trade in the goods to which the prohibitions relate are also prohibited or restricted in the interior of the country;
5. Export prohibitions or restrictions issued for the protection of national treasures of artistic, historical or archæological value;
6. Prohibitions or restrictions intended to protect, in conformity with the national legislation or international conventions, industrial, literary and artistic property, and to prevent unfair competition in regard to false marking or regional appellation;
7. Prohibitions or restrictions imposed for the purpose of extending to imported goods measures of control equivalent or analogous to those applying to home products of the same kind;
8. Prohibitions or restrictions applied to articles which in the interior of the country are subject to state monopoly or grants as regards either manufacture or trade;
9. Prohibitions or restrictions established in pursuance of international conventions regulating the traffic in arms, opium or other forms of trade which give rise to dangers or abuses, or regulating methods of unfair competition;

10. Prohibitions applicable to coin, gold, silver, currency notes or securities.

The preliminary survey made it clear that agreement respecting such prohibitions could not be successful, unless a large number of states became parties to it. The committee is continuing to explore the complexities of the subject before submitting concrete proposals to the Council.

**Equitable Treatment.** The attention of the committee was called to the treatment of foreign nationals and enterprises by a resolution of the Fourth Assembly. It has recommended the following conclusions which have been communicated to Members of the League, with a view to their acceptance:

(*a*) The general rule for ordinary open professions, industries and occupations should be mutual national treatment, with or without the condition of reciprocity.

(*b*) In professions, industries or occupations, the carrying on of which is dependent on compliance with a prescribed standard of qualification or of training, it is desirable that states should, so far as practicable, make arrangements by bilateral agreements or otherwise for the mutual recognition of such standards.

(*c*) The number of professions, industries and occupations into which the entry of foreigners is restricted on the ground of national interests should be limited to the essential minimum required by these interests.

(*d*) The restrictions placed on foreigners with regard to carrying on professions, industries and occupations of this class should be similarly limited to those which are *bona fide* necessary for the protection of national interests.

(*e*) In applying such restrictions, there should be no arbitrary or unjust discriminations between foreigners on the ground of nationality.

(*f*) If and when a state finds it necessary to restrict the carrying on of an occupation to persons holding a special contract or license, the right to tender for such contract, or to obtain a license on fulfilling the prescribed conditions, should only be restricted to nationals of the state where such restriction is considered necessary to protect essential state interests, and that, where such restriction to its own nationals is not enforced, there should be no arbitrary and unfair discrimination as between the nationals of different foreign states.

(*g*) Except in so far as the right of foreigners to reside or travel in certain exceptional areas (*e. g.*, in the neighborhood of forts, etc.) may be restricted in the national interest, the general rule should be that foreigners

duly admitted into a country should be accorded the same freedom of travel and residence as is enjoyed by nationals, subject always to compliance with the national laws with regard to the registration of foreigners, notification of change of address, etc.

(*h*) If as a result of the special conditions obtaining in certain countries, and particularly in overseas territories placed under the sovereignty or authority of other countries, the above rules cannot be applied, such countries should still be governed by these principles in insuring equitable treatment to foreign nationals in this respect.

The committee studied the question of unfair competition. Through its intervention, experts from 22 states met at Geneva, May 5–11, 1924, to study an extensive documentation laid before them. The eventual result was a series of draft articles which, after consultation with the Inter-American High Commission, is expected to be incorporated in the International Convention for the Protection of Industrial Property at a conference to revise that instrument called at The Hague in October, 1925.

The attention of the Third Assembly was drawn to "the harmful effect on legitimate trade of the manufacture and sale of products which . . . are a form of fraud owing to the various devices intended to disguise their real nature." The Economic Committee on a first examination decided that the protection of consumers against such products was "primarily a question of domestic policy," and should be left to the national legislation of each country. The Fourth Assembly, again on the initiative of Venezuela, adopted a resolution requesting the committee to examine the possibility of international action with a view to the protection of consumers, and 11 Latin American states associated themselves with this request in a letter to the committee.[1] A subcommittee to collect data and to study the question in detail was appointed.[2]

The principle of the arbitration of commercial disputes resulting from international trade by chambers of commerce and business men themselves has gained great popularity since the World War. The recognition of the validity of decisions thus reached in courts and otherwise required international action. As a consequence the Economic Committee drew up a protocol on the arbitration

[1]*Official Journal*, V, p. 558.

[2]For data collected see *Official Journal*, V, p. 1474, 1485.

of commercial disputes, which was opened for signature at Geneva on September 24, 1923, and is being generally ratified.[1]

**Economic Crises.** The economic crisis and its resulting unemployment was called to the attention of the Economic Committee by correspondence with the International Labor Office. As a result there has been created a Mixed Committee on Economic Crises, which is undertaking to examine the multifarious phases of this complicated subject. The committee consists of the following members:

*From Economic Committee:*
Jules BRUNET (Belgian);
Daniel SERRUYS (French);
Antoine WIENIAWSKI (Polish);
Sir Hubert Llewellyn SMITH (British);
Jan DVORACEK (Czechoslovak).
*From Financial Committee:*
L. DUBOIS (Swiss);
Sir Otto E. NIEMEYER (British);
A. E. JANSSEN (Belgian).

*From International Labor Office:*
Max LAZARD (French);
Eugène MAHAIM (Belgian);
Mr. SJOSTRAND (Swedish);
Mr. WAGEMANN (German).

One result of the studies so far made is a resolution as to the desirability of preparing in each state, for which economic barometers are not at present available, indices "suitable for their national conditions on a scientific standard equal to that set by the Harvard University of Economic Research and the London and Cambridge Economic Service." The resolutions of the Genoa Conference of 1922 have been adopted as principles entirely applicable in the present circumstances.

Conferences were held at The Hague in 1910 and 1912 in an effort to establish uniformity of practice and, so far as possible, of national laws with respect to bills of exchange. The committee has continued this effort, naming Joseph Jitta (Netherlands), Charles Lyon-Caen (France), Sir Mackenzie D. Chalmers (Great Britain) and Professor Klein (Austria) as experts to study the question. The experts met at The Hague, July 15–16, 1923, and prepared a report in which it was agreed that a conference to secure general uniformity of law was not at present possible. Anglo-American law "for constitutional and important practical reasons" will continue to follow its own lines, the experts concluded. However, they found a tendency of states under the

[1]Text in *Official Journal*, V, p. 235; *Treaty Series*, XXVII, p. 158.

continental type of law to favor uniformity and urged that, if a third conference became possible, it was highly desirable that the United States and the British states should participate in it.[1]

Among other activities of the committee have been studies of unjust discriminations against the commerce of other states in respect to the treatment of goods or ships and a survey of the questions involved in dumping and differential prices.

[1]*Official Journal*, IV, p. 1444–45.

## 3. ORGANIZATION FOR COMMUNICATIONS AND TRANSIT

**Origin.** Art. 23 of the Covenant provides that, "subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon the Members of the League: (*e*) will make provision to secure and maintain freedom of communication and of transit and equitable treatment for the commerce of all Members of the League."

On February 13, 1920, the Council proposed that the Committee of Ports, Waterways and Railways of the Peace Conference, together with representatives of states having special interest in the subject, undertake a preliminary survey of the problem involved in carrying out this provision. The invitation was accepted on March 17, and a conference was held for that purpose in the summer of 1920 at Paris. The committee transformed itself into a provisional committee on communications and transit of the League.

The proposals of the committee called for a general conference to prepare international agreements and recommendations suitable for embodiment in national laws, and draft resolutions to be submitted to the Assembly. It also recommended a permanent committee to sit continuously and act both as the bureau of the conferences and as a technical advisory body. These recommendations were approved by the Council and the First Assembly. By the Assembly resolution the Secretary-General of the League is instructed to render every possible assistance to the general conference and to the committee, and to supply their secretariat.

### Advisory and Technical Committee

The Advisory and Technical Committee on Communications and Transit was organized by the Barcelona Conference in accordance with the resolution of the First Assembly. The committee is a consultative and technical body to consider and propose measures calculated to insure freedom of communications and transit at all times, and to assist the Council and the Assembly of the League in discharging its functions. It may arrange for any future conference and prepare its agenda; it exchanges all

requisite information concerning communications and transit with the appropriate technical ministries of the Members of the League; it is intrusted with the investigation of any disputes which may be referred to the League under Arts. 336, 376 and 386 of the treaty of Versailles and corresponding articles in the other treaties of peace, and will endeavor to adjust such disputes whenever possible by conciliation between the parties; in the event of such disputes being brought before the Permanent Court of International Justice, the committee may be called upon to assist the Court.[1]

**Members.** The committee is governmental, being composed of one representative for each Member of the League represented permanently on the Council, together with Members appointed as determined by the conference, taking into account as far as possible technical interests and geographical representation. The total membership shall not exceed one-third of the Members of the League of Nations. The Second General Conference in 1923 designated the following states for representation on the Committee: France, Great Britain, Italy and Japan; Austria, Belgium, Chile, China, Colombia, Cuba, Greece, Lithuania, Norway, Poland, Rumania, Salvador, Spain, Venezuela.[2]

J. G. Baldwin (Great Britain), chairman;
Dr. Aristides de Aguero y Bethancourt (Cuba);
Bohdan Winiarski (Poland);
Francisco Amunategui (Chile);
Guillermo Brockmann y Abarzuza (Spain);
Gaëtan Dobkevicius (Lithuania);
Silvain Dreyfus (France);
J. Gustavo Guerrero (Salvador);
Ouang-Hang (China);
Athanase Politis (Greece);
Georges Popesco (Rumania);
Girolamo Sinigalia (Italy);
Gabriel Smith, director general of ports (Norway);
Dr. A. Stievenard, inspector of Belgian railroads (Belgium);
Yotaro Sugimura, councillor of embassy (Japan);
Dr. Francisco José Urrutia, minister to Switzerland (Colombia);
Heinrich Rheinhardt, former ministerial adviser (Austria).

[1]Conférence de Barcelone, *Comptes rendus et textes relatifs au Règlement d'organisation. . .*, p. 58–60.

[2]Member of Committee not yet appointed.

**Meetings.**

1. July 25–28, 1921. Willem Jan Marie van Eysinga, Netherlands, chairman.
2. March 29–April 1, 1922. Willem Jan Marie van Eysinga, Netherlands, chairman.
3. August 30–September 2, 1922. Benjamin Fernandez y Medina, Uruguay, chairman.
4. Geneva, April 23–30, 1923. Benjamin Fernandez y Medina, Uruguay, chairman.
5. Geneva, August 29–September 1, 1923. Benjamin Fernandez y Medina, Uruguay, chairman.
6. Geneva, March 12–14, 1924. J. G. Baldwin, Great Britain, chairman.
7. Geneva, November 26–28, 1924. J. G. Baldwin, Great Britain, chairman.
8. Geneva, July 24–30, 1925.

**First Conference.** The General Conference on Freedom of Communications and Transit was held at Barcelona, March 10–April 20, 1921. The states represented were 44 in number, as follows:

Albania, Austria, Belgium, Bolivia, Brazil, Bulgaria, Chile, China, Colombia, Costa Rica, Cuba, Denmark, the British Empire (with New Zealand and India), Spain, Esthonia, Finland, France, Greece, Guatemala, Haiti, Honduras, Italy, Japan, Latvia, Lithuania, Luxemburg, Norway, Panama, Paraguay, the Netherlands, Persia, Poland, Portugal, Rumania, Kingdom of the Serbs, Croats and Slovenes, Sweden, Switzerland, Czechoslovakia, Uruguay, Venezuela, Germany and Hungary.

The conference approved the following official instruments:

1. Rules for the organization of General Conferences on Communications and Transit, and of the Advisory and Technical Committee;
2. Rules of procedure for General Conferences on Communications and Transit;
3. Convention and Statute on Freedom of Transit;
4. Convention and Statute on the Régime of Navigable Waterways of international concern;

5. Additional protocol to the Convention on the Régime of Navigable Waterways of international concern;
6. Declaration recognizing the right to a flag of states having no sea-coast;
7. Recommendations relative to the International Régime of Railways;
8. Recommendations relative to ports subject to an international régime;
9. Final Act.

These instruments are in force and have been published in the *Treaty Series*[1] after registration.

**Second Conference.** The Second General Conference was held at Geneva from November 15–December 8, 1923. Forty-one states, including Turkey, were represented as follows:

Albania, Austria, Belgium, Brazil, British Empire, Bulgaria, Canada, Chile, China, Colombia, Cuba, Czechoslovakia, Free City of Danzig, Denmark, Esthonia, Finland, France, Germany, Greece, Holland, Hungary, Irish Free State, Italy, Japan, Latvia, Lithuania, Luxemburg, Norway, Poland, Portugal, Rumania, Salvador, Saar Governing Commission, Kingdom of the Serbs, Croats and Slovenes, Siam, Spain, Sweden, Switzerland, Turkey, Uruguay, Venezuela.

The United States sent an "official observer."

Organizations represented in an advisory capacity were: International Chamber of Commerce, Central Railway Transport Office, the International Union of Railway Administration, the four International River Commissions for the Danube, the Elbe, the Oder and the Rhine, the Hydraulic Danube Commission, and the League's Advisory Committee for Communications and Transit.

Conventions were adopted on:

The international régime of railways;

Maritime ports;

Transmission in transit of electric power;

Development of hydraulic power on water courses forming part of a basin situated in the territory of several states.

[1]Vol. VII, pp. 11–75. For ratifications see p. 409–410.

The protocols remained open for signature until October 31, 1924, since which date ratifications have been deposited and the conventions brought into force.[1]

**Saar Railroads.** Freight traffic in Europe is regulated by the international convention signed at Bern in 1890. The Governing Commission of the Saar wished to apply it to the commerce of the territory, and proposed to adhere to the convention. The German Government opposed this proposal on the ground that shipments between Germany and the Saar were subject to internal German transport regulations. The commission claimed that it had the power to adhere to the convention, by the terms of which Saar products would be deliverable by a much shorter haul. The Council of the League in September, 1921, studied the problem at length and finally referred it to the Advisory and Technical Committee for Communications and Transit, which on August 31, 1922, remitted the question to an inquiry committee according to the conciliatory procedure laid down by the Barcelona Conference. This committee consisted of four experts appointed by the Advisory and Technical Committee, two by Germany and one by the Saar Governing Commission. The experts met at Luxemburg, and on November 24, 1922, unanimously approved a practical and technical agreement solving all outstanding difficulties. This convention entered into force in January, 1923.[2]

**Oder River System.** The treaties of peace provided for revision of the international agreements and regulations relating to the Oder River. A dispute developed between Great Britain, Czechoslovakia, Denmark, France, Poland, Prussia and Sweden respecting the inclusion of navigable tributaries of the Oder which are in Polish territory within the internationalized waterway system. The British Government referred this dispute to the Advisory and Technical Committee for Communications and Transit by a note of August 23, 1924, France joining in the request on October 21 and asking that the committee fix the limits of the international river system. The committee at its seventh session heard the parties in interest, following study of a report by its own commission of inquiry. Calling attention to the fact that its duty was to act as a conciliatory agency,—questions of legal interpretation belonging to the Permanent Court

[1]For ratifications see p. 414. [2]*Treaty Series*, XXVII, p. 289.

of International Justice,—the committee on November 27, 1924, concluded that the jurisdiction of the International Oder Commission should extend upstream on the Warthe to and above Posen and upstream on the Netze as far as Usch, while other sections of the system should be subject to the provisions of the Barcelona convention on the régime of navigable waterways.[1] The German and Polish delegates voted against the resolution on the ground that the problem was essentially legal.

**Passports.** Outside the conferences there is being conducted an important procedure, which was initiated by the original committee. This provisional committee convened at Paris on October 15–21, 1920, a Conference on Passports, Customs Formalities and Through Tickets. This conference was convinced "that the many difficulties affecting personal relations between the peoples of various countries constitute a serious obstacle to the resumption of normal intercourse and to the economic recovery of the world." While recognizing that the total abolition of restrictions could not be immediately realized, it expressed the view that a return to pre-war conditions should be established in the near future. In accordance with this idea the conference passed a series of resolutions with the primary purpose of securing uniform practice in the various states. These proposals, which were of an administrative character, have greatly simplified travel among the states accepting them. The Advisory and Technical Committee requested the Second Assembly to call the importance of these recommendations to the attention of the states which had not yet acted upon them and in 1922 it was stated that "passport and customs formalities have been appreciably relaxed by various governments in conformity" with the recommendations. The following results had been reported in January, 1924:[2]

*Abolition of Passports.* Cuba for all states.
Salvador for all states.
Belgium, France, and Luxemburg for their respective nationals.
Belgium and the Netherlands for their nationals.
Luxemburg and the Netherlands for nationals.
*Abolition of Visas.* Reciprocal action:
Albania and 1 state;

[1] *Minutes of the 7th Session*, p. 13–19, 36–38. [2] *Monthly Summary*, IV, p. 7.

Austria and 1 state;
Belgium and 9 states;
Denmark and 2 states;
France and 28 states;
Great Britain and 6 states;
Italy and 12 states;
Mexico and 1 state;
Norway and 2 states;
Netherlands and 8 states;
Portugal and 1 state;
Spain and 8 states;
Switzerland and 8 states;
Sweden and 2 states.

In addition Belgium has unilaterally abolished visas for nationals of 3 states; and Switzerland for those of 22 states or dominions.

The United States, which has been charging a $10 visa fee, early in 1925 set about negotiating for reductions of fees which most foreign states set at the American figure for its nationals.

The committee is arranging for the convoking of a further conference on the passport régime.

### Subcommittees

The committee is engaged in one of the most technical fields with which the League concerns itself. As a consequence it has divided into many subcommittees, to which have been added experts on the specific subjects. Budget and Legal Committees serve both the general and specific purposes of the Advisory and Technical Committee. The work engaging the attention of the committee is in part indicated by the formation of these committees which are working as follows:

**Ports and Maritime Navigation.** The second conference adopted the convention and statute on the international régime of maritime ports, which gave formal character to recommendations passed by the first conference. The subcommittee in these documents has a basis from which to proceed. It is devoting itself (with the Health Committee) to sanitary inspection of ships in ports; to the question of double taxation as it concerns the shipping industry (with the Economic Committee), and to the maritime uses of wireless telegraphy. In January, 1914, after the *Titanic*

disaster, an international convention on safety of life at sea[1] was drawn up, but was not generally ratified. A salient provision of the convention was the establishment of an ice patrol in the North Atlantic, intended to be conducted by the United States and Great Britain, with other maritime states contributing to the cost. The maritime activities of the World War were in part responsible for the convention not being generally ratified. However, year by year, the United States Coast Guard has, at the expense of the United States alone, patrolled the North Atlantic to give warning of ice dangers. The subcommittee is studying the problem of the revision of the convention and of measures for the protection of navigation. Four questions are particularly commanding its attention: wireless, buoyage and lighting of coasts and tide signals, uniformity of marine charts and the organization of life saving. The Technical Committee on Buoyage and Coast Lighting in cooperation with the International Hydrographic Bureau has advanced to the point of enunciating two series of guiding principles, one in regard to buoyage and lighting regulations, and the other in regard to signals. The subcommittee has general charge of fostering the application of the principles of the general convention of the second conference. The subcommittee is made up as follows:

*a) Ports*

Gabriel Smith (chairman);
J. G. Baldwin;
G. Brockmann y Abarzuza;
A. Stievenard;
B. Fernandez y Medina, minister plenipotentiary of Uruguay in Spain;
Giulio Ingianni, director-general of the Italian Mercantile Marine;
M. von Lahr, adviser to the German Ministry of Economics;
Pierre Henri Watier, director of navigable waterways and seaports at the French Ministry of Public Works.

*b) Maritime Navigation*

A. de Aguero y Bethancourt (chairman);
G. Popesco;
Y. Sugimura;
Sir Alan G. Anderson, vice-president of the British Chamber of Shipping;
G. Breton, director of Chargeurs Réunis;
Dionigi Biancardi, formerly technical adviser to the Italian delegation to the Committee for Ports of the Second General Transit Conference;
A. G. Kröller, member of the Governing Board for Economic Affairs at the Dutch Foreign Ministry;
A Greek expert.

[1]108 *British and Foreign State Papers*, p. 283.

*c) Technical Committee for Buoyage and the Lighting of Coasts*

Pierre Henri WATIER (chairman);
P. VAN BRAAM VAN VLOTEN, chief engineer, director of the Technical Lighthouse Department of the Netherlands;
Georges DELANO, formerly captain in the Navy (Chile);
E. HÄGG, Swedish director-general of piloting, lighthouses and buoys;
N. NAGOAKA, secretary at the Japanese Ministry of Communications;
Captain RAZICOTSIKAS (Greece);
A. DE ROUVILLE, chief engineer, Lighthouse and Buoy Department of France;
Commander Luigi TONTA, director of the Hydrographic Institute of the Royal Italian Navy;
Baron Gustave WREDE, director-general of the Finnish naval administration.

The appointment of the chairman of the Technical Hydraulic System Commission of the Danube devolves upon the League. M. Chargueraud, who was appointed by the Council for a five-year term ending in September, 1926, died early in 1924. Commander Carlo Rossetti, a member of the International River Commissions of the Danube, the Elbe and the Rhine, was appointed on March 15, 1924, to serve five years.

**Inland Navigation.** This subcommittee held its first session at Brussels, July 1–4, 1924. It is undertaking inquiries into the present position of inland navigation in Europe from the technical, commercial and administrative points of view in furtherance of resolutions of the Genoa Conference. In addition to this general investigation it has proceeded with the collection of information and the comparison of legislation looking to the unification of private law in inland navigation, the definition of seagoing vessels and craft employed in inland navigation, and the unification of inland navigation statistics.

In 1922, the Advisory and Technical Committee passed a resolution asking the various European river commissions for suggestions respecting the unification of methods of tonnage measurement of vessels employed in inland navigation. A convention on this subject was signed at Brussels, February 4, 1898, and a supplementary arrangement on June 1, 1908.[1] Fresh experience and changed conditions, especially the extension of international river systems, rendered a new agreement advisable. A technical committee on the subject met at Geneva, November 19–22, 1924; at Paris, February 25–March 2, 1925; and at Paris,

[1]Denys P. Myers, *Manual of Collections of Treaties*, p. 538.

May 7–11, 1925. A draft convention based on suggestions of the Tonnage Measurement Committee of the Central Commission for Rhine Navigation has been worked out and awaits appropriate action.

The subcommittee consists of the following:

Silvain Dreyfus (chairman);
J. G. Baldwin;
A. Dobkevicius;
G. Popesco;
A. Stievenard;
B. Winiarski;
M. Tsang-Ou, former Chinese delegate to the Barcelona Conference.

*a) Tonnage measurement*

M. Bouckaert (Belgium), director-general at the Ministry of Public Works (chairman);
M. Bedreag (Rumania), chief engineer, director of the Turnu-Severin Shipyards;
D. Bourgeois, general inspector of bridges and roads at the French Ministry of Public Works;
M. Oppermann, adviser to the German Ministry of Communications;
R. Vysockis, naval engineer at the Lithuanian Ministry of Communications;
An expert to be selected by the Kingdom of the Serbs, Croats and Slovenes;
An expert to be selected by the Union of Socialist Soviet Republics.

Walker D. Hines, former director general of transport, was appointed early in 1925 to study the present situation of navigation on the Danube and Rhine from a technical, commercial, and administrative point of view. Mr. Hines was preceded by Major Brehon B. Somervell, U.S.A., as his assistant, who carried out a preliminary investigation of the Danube. Mr. Hines drew up detailed plans for the further inquiry and carried out a full program of investigation. In June a general questionnaire had been sent to all interested countries, and with their collaboration Mr. Hines prepared an extensive report brought before the Advisory Committee in July, 1925.

**Transport by rail.** The subcommittee on transport by rail is coping with problems essentially European. Transportation of merchandise by railroads was covered by a convention signed at Bern, October 14, 1890, with additions in 1893, 1895, 1898, and 1906; while on May 15, 1886, a convention regarding the sealing of railway trucks subject to customs inspection, and another regarding a technical standardization of railroads, were signed.[1] The subcommittee has secured more general acceptance of these conventions. It has gone into the improvement of train

[1]Denys P. Myers, *Manual of Collections of Treaties*, p. 499, 504.

connections, and the revision of time tables extensively. Questions such as the international organization of information regarding itineraries are being studied. The subcommittee has been one of the most persistent forces for uniformity of passport procedure. Uniformity of freight nomenclature, the improvement of through train service, and many technical details of railroad operation command the attention of the subcommittee, which is composed as follows:

G. Sinigalia (chairman);
F. Amunategui;
G. Brockmann y Abarzuza;
M. Ouang-Hang;
A. Politis;
Sir Francis Dent, former chairman of the Railway Committee of the Second Transit Conference, former director general of the South Eastern and Chatham Railway;
M. Schwob, director general of railways at the French Ministry of Public Works;
Robert Herold, director of the railway section of the Swiss Federal Department for Post and Railways;
Etienne Isabelle, former rapporteur of the Railway Committee of the Second Transit Conference;
Dr. Otokar Lankas, director of the Czechoslovak Railway Ministry;
Paul Wolf, adviser to the German Transport Ministry.

**Electric Questions.** The subcommittee on electric questions in general is made up as follows:

G. Dobkevicius (chairman);
G. Brockmann y Abarzuza;
A. Politis;
Paolo Bignami, former Italian undersecretary of state;
J. Chuard, director of the Bank for Electric enterprises, Zurich;
Fredrik Wilhelm Hansen, Swedish director general of hydro-electric energy and canals;
P. A. Holck-Colding, director of the first division of the Danish Ministry of Public Works;
M. Magnier, director of the department for hydro-electric energy and the distribution of electric energy at the French Ministry of Public Works.

Respecting wireless communication, progress in recent years has been so rapid that the 1912 convention is generally agreed no longer to represent the adequate minimum of international agreement. Conferences held in Paris and Washington in 1920 brought no agreement. A committee of experts met in London on July 16–17, 1923, to examine an Italian proposal referred, respecting the maturing of plans for "an international conference to deal with the general body of international radio and telegraphic

problems."[1] A second meeting was held at Geneva, November 14–15, 1923, and a third at Geneva, April 14–15, 1925. A preliminary telegraphic conference is convoked at Paris in 1925; a European radiotelegraphic is planned for 1926 and a general conference is expected to occur at Washington in 1927. A subject falling within this field is that of broadcasting, on which progress toward European agreement is being made. Questions relating to telegraphy have been intrusted by the Advisory and Technical Committee to a Special Committee of Inquiry on Telegraphic Questions composed of the following members:

B. Fernandez y Medina (chairman);

G. Angelini, director of electric communications, Italian Postal Ministry;

M. Broin, director of the Telegraphic Department of the French Postal and Telegraph Ministry;

F. J. Brown, assistant secretary, General Post Office, London;

H. L. Étienne, director of the International Telegraphic Union;

G. Bonnet, deputy to the French Parliament (assistant to the chairman).

**Road Traffic.** European states signed a convention at Paris on October 11, 1909, with respect to the international circulation of motor vehicles.

The Special Committee on Road Traffic has drawn up a draft revision intended to serve as the basis for discussion in an international conference. The committee is also working to secure the maximum amount of unification of traffic regulations in force in the various countries. Automobile clubs are cooperating with the committee. The personnel is as follows:

Special Committee of Inquiry on Road Traffic

A. Stievenard (chairman);

F. Amunategui;

E. Chaix, vice-chairman of the Automobile Club of France;

O. Bilfeldt, chief of section at the Danish Ministry of Justice;

E. Delaquis, chief of the Police Division, Swiss Federal Department of Justice and Police;

P. C. Franklin, Road Department, British Transport Ministry;

E. Mellini, chief inspector of railways, tramways and motor vehicles (Italy);

M. Pflug, adviser to the German Ministry of Communications;

J. F. Schönfeld, administrator of the Dutch Department of Communications.

**Calendar Reform.** The inconveniences of the present calendar are keenly felt by economic life as a whole and particularly by transport. The difference in the length of the divisions of the

[1] *Official Journal*, IV, p. 682.

year, the lack of concordance of the days, the weeks and the dates of the month, and the fact that Easter is a movable holiday, have called forth numerous proposals for reform, frequently supported by international organizations, notably the International Chamber of Commerce in 1921 and the International Astronomical Union in 1922. A preliminary investigation showed that the reform of the calendar necessarily involved as a first step a consultation of the religious authorities interested, in order to determine to what extent solutions were possible. The Special Committee is made up of the following members:

Jonkheer Willem Jan Marie VAN EYSINGA (chairman);
Rev. Father GIANFRANCESCHI, representing the Holy See;
Rev. T. E. R. PHILLIPS, representing the Archbishop of Canterbury;
Professor D. EGINITIS, director of Athens Observatory, representing the Œcumenical Patriarchate at Constantinople;
C. BIGOURDAN, former chairman of the Calendar Committee of the International Astronomical Union;
WILLIS H. BOOTH, chairman of the International Chamber of Commerce.

The committee met at Paris, May 19–20, 1924, and at Geneva, February 16, 1925. A questionnaire has been addressed to Governments, religious communities, and international organizations, to which the government replies have been generally favorable. A great majority of the Christian churches raise no objection to a fixed date for Easter, on which the committee is conducting a still broader inquiry. At the second meeting, Dr. Adolf Keller represented 82 Protestant communions, of which 29 were American, and the others from Austria, Belgium, Czechoslovakia, Denmark, France, Germany, Great Britain, Hungary, Italy, Lithuania, Netherlands, Norway, Poland, Rumania, Spain, Sweden, and Switzerland. The Special Committee is devoting itself first to securing a consensus of views upon the date of Easter. It plans to proceed with other phases of the problem, in which the adherents of non-Christian religions will be specifically interested.

## 4. COMMITTEE ON INTELLECTUAL COOPERATION

The First Assembly, on December 18, 1920, approved the assistance which the Council had given to the development of international cooperation in intellectual activity and particularly the support which had been extended to the Union of International Associations. The Assembly recommended that the Council present to the Second Assembly a detailed report on the possibility of creating an organization for intellectual work attached to the League of Nations.

The Council on March 1, 1921, decided that it was premature to create a technical organization attached to the League; but on September 21, 1921, the Second Assembly adopted a resolution proposed by Léon Bourgeois, in the name of the Council, to the effect that the Council should nominate a committee to examine international questions regarding intellectual cooperation. The members of the committee were not to exceed twelve in number and were to include women. On January 14, 1922, the Council decided to appoint this committee, which is composed as follows:

Henri Bergson, honorary professor of philosophy at the "Collège de France"; member of the "Académie française"; member of the "Académie des Sciences morales et politiques";

Dr. Kristine Bonnevie, professor of zoölogy at the University of Oslo, delegate to the Assembly of the League of Nations;

Sir J. Chandra Bose, president emeritus of the Presidency College, Calcutta; founder and director of Bose Research Institute;

A. de Castro, director of the faculty of medicine at the University of Rio de Janeiro;

Mme. Curie-Sklodowska, professor of physics at the University of Paris, and honorary professor of the University of Warsaw; member of the "Académie de Médecine" at Paris, and of the Scientific Society at Warsaw;

J. Destrée, former minister of sciences and arts; member of the "Académie belge de littérature et de langue française";

Albrecht Einstein, professor of physics, Berlin University;

Professor H. A. Lorentz, professor of theoretical physics at Leyden University, member of the Amsterdam Academy of Science;

L. Lugones, director of the National Library of the Professors of Buenos Aires;

Professor Robert Andrews Millikan, director of the Norman Bridge Laboratory of Physics at the Technological Institute of California, vice-chairman of the National Research Council, member of the International Research Council;

Professor Gilbert A. Murray, professor of Greek philology at Oxford University; member of the Council of the British Academy, and delegate of South Africa to the Assembly of the League of Nations;

Gonzague DE REYNOLD, professor of French literature at the University of Bern;

F. RUFFINI, professor of ecclesiastical law at the University of Turin; former minister of public education; president of the Union of Associations for the League of Nations; vice-president of the Royal Academy at Turin;

L. DE TORRES QUEVEDO, director of the "Laboratorio electricmecanico" at Madrid; member of the Committee for the Extension of Scientific Studies (Junta para Ampliacion de Estudios); member of the "Académie des Sciences de Madrid."

Meetings.
1. Geneva, August 1–5, 1922.[1]
2. Brussels, March 19–24, 1923.
3. Paris, December 5–8, 1923.
4. Geneva, July 25–29, 1924.
5. Paris, May 11–14, 1925.
6. Geneva, July 27–30, 1925.

General. The committee as a whole has directed an inquiry into the conditions of intellectual work, the monographs of which have been published. Some of these relate to general questions, but the more extensive series is devoted to intellectual life in specific countries, many of which have problems, or have developed activities, of special interest.

The committee started its activities with a general inquiry for the purpose of ascertaining the extent of the evils from which intellectual activity and intellectual workers in different professions were suffering, and collecting suggestions for possible remedies.

At the outset, the committee was deeply impressed with the hard conditions confronted by intellectual workers in certain countries. A definite appeal was issued bespeaking assistance for the Austrians on November 4, 1922. This was addressed to the learned institutions and societies of all countries, and resulted in a generous response. Subsequently a similar appeal was made on behalf of the Hungarians. At the beginning of 1923, Albania, Austria, Bulgaria, Czechoslovakia, Esthonia, Hungary, Lithuania, Poland, Rumania and the Serb-Croat-Slovene State were availing themselves of the avenue afforded by the committee to maintain touch with their fellow workers throughout the world.

[1]The minutes of the sessions are published separately, while excellent reports of them appear as annexes to the Minutes of the Council for the session following each meeting of the committee.

The committee has been instrumental in securing a large number of books for the University of Tokio, which was destroyed by earthquake in 1923.

**National Committees.** The field of intellectual cooperation has proved to be so vast and varied that national committees were felt to be necessary to act as intermediaries between the organizations of the respective countries and the League committee, and to assist in inquiries on the conditions of intellectual life undertaken by it by transmitting both information and requests, either to Geneva or directly to other national committees. The national committees determine their relations with their Governments, and their rules of procedure and composition. The first of these national committees came into being as organs for rendering assistance to intellectual confrères in the countries most adversely affected by the World War. They have now transferred their activities to distinctly intellectual matters. Committees or their equivalents are now organized in the following countries: Austria, Belgium, Brazil, British Empire[1], Bulgaria, Czechoslovakia, Chile, Denmark, Esthonia, Finland, France, Greece, Hungary, Italy, Latvia, Lithuania, Netherlands, Norway, Panama, Poland, Rumania, Salvador, Serb-Croat-Slovene State, South Africa[2], Spain[3], Switzerland and United States. The Australian Government has designated an official to maintain touch with the committee.

The American committee is made up of the following members:

Elihu Root, former Senator and Secretary of State, past president of the American Bar Association and of the American Society of International Law;

George Ellery Hale, honorary chairman, National Research Council, director of the Mt. Wilson Observatory;

Charles Homer Haskins, Gurney professor of history and political science, Harvard University, former dean of the Graduate School of Arts and Sciences, chairman of the Council of Learned Societies;

Herbert Putnam, librarian of Congress and past president of the American Library Association;

[1]Pending the formation of a national committee, the League committee is in close touch with the Universities Bureau of the British Empire and the Universities Library for Central Europe.

[2]Pending the proposed association of the universities of South Africa, the Department of Education acts as an intermediary between the intellectual workers of the Union and the League committee.

[3]Pending the formation of a national committee, the League committee is in close touch with the Junta para Ampliación de Estudios of Madrid.

Virginia C. GILDERSLEEVE, dean of Barnard College, New York;

Lorado TAFT, sculptor, member of the American Academy of Arts and Letters;

James Henry BREASTED, director of the Oriental Institute of the University of Chicago, representing the American philological organizations;

Charles W. ELIOT, president emeritus of Harvard University;

Vernon L. KELLOGG, permanent secretary of the National Research Council;

Augustus TROWBRIDGE, professor of physics, Princeton University, representing the International Education Board;

Charles R. MANN, director of the American Council on Education;

Robert A. MILLIKAN, member of the Committee on Intellectual Cooperation of the League of Nations.

**International Institute.** The French minister of education, on July 24, 1924, offered the committee a building and an annual fund for the establishment of an International Institute of Intellectual Cooperation.[1] The Council accepted this offer in principle on September 9. A lively debate occurred in the Second Committee of the Fifth Assembly respecting this proposal. The Assembly laid down certain principles respecting the acceptance of the proposal, and on December 8, 1924, the French Government embodied these in a formal proposal to the Council, appending an organic statute of the proposed institute. This was accepted by the Council as an agreement[2] on December 13, 1924. By the arrangement thus entered into the International Institute of Intellectual Cooperation is to be administered by a governing body composed of the members of the League of Nations Committee on Intellectual Cooperation as an autonomous foundation, possessing legal personality. The French Government provides toward its support a sum of 2,000,000 French francs annually, including the cost of the necessary premises which are placed at its disposal by the French Government. The institute as a legal person may accept donations, legacies, and subsidies from governments, institutions, organizations or private persons. The French Government undertakes to maintain its part of the agreement for a period of seven years.[3] "The principal object of the institute shall be to prepare the work to be discussed by the Committee on Intellectual Cooperation, to assure in all countries the carrying out of the decisions and recommendations

[1] *Official Journal*, V, p. 1522. [2] *Ibid.*, VI, p. 157. [3] *Ibid.*, p. 285.

of that committee, and, under the direction of the committee and by every means in its power, to promote, through international cooperation, the organization of intellectual work throughout the world." The director of the institute for the first seven years is Professor Schultze-Gävernitz of Freiburg-im-Breisgau.

The committee at its fifth session was in receipt of an offer from the Polish Government of 100,000 French francs for the specific purpose of aiding its program of mutual assistance. At that session the committee prepared the budget of the institute, including this sum. It decided upon the organization of the institute into six sections: bibliography, interuniversity relations, intellectual property, art and literature, general affairs and information.

On three subjects covered by sections of the proposed Institute, the committee has maintained subcommittees which have done very useful work.

### Bibliography

The subcommittee on this subject was appointed August 2, 1922, and consists of:

M. Bergson;
Mlle. Bonnevie;
Mme. Marie Curie-Sklodowska;
M. Destrée;
Marcel Godet, director of the National Swiss Library;
C. T. Hagberg-Wright, director of the London Library;
J. R. Schramm, professor of botany, Cornell University.

The subcommittee met at Paris in December, 1922, at Brussels in March, 1923, at Paris, November 30–December 1, 1923, at Brussels, May 1–3, 1924, and at Geneva, July 23–24, 1924.

It has issued a first edition of an *Index Bibliographicus*, which is a yearbook containing a list of all periodical bibliography and bibliographic institutions, which was prepared by Marcel Godet of the subcommittee. In the field of science it has tackled the problem of an analytical bibliography or abstracts of scientific articles and publications, first considering physics and physical chemistry, of which bibliographic periodicals already exist. Experts have been brought together and a plan for a common system of analysis is under preparation. A similar effort has been started in the fields of Greco-Latin antiquity and economic science.

The incomplete realization of the idea embodied in the international convention of March 15, 1886, respecting the interchange of official, scientific and literary publications has attracted the attention of the subcommittee, and as a result of the deliberation of a committee of experts at Geneva, July 17–19, 1924, a series of five resolutions was prepared for embodying in a revision of the original convention.[1]

A proposed annual bibliography, consisting of a list of the most notable and valuable works appearing each year in every country in all branches of science, literature, and art, as a guide to the general reader, has been tentatively approved by the Council. It is proposed to prepare this list after consultation with the leading authorities of each country, in each branch of intellectual activity.[2]

For many years there has existed at Brussels the International Institute of Bibliography under the direction of Senator Henri LaFontaine and Paul Otlet. The Fifth Assembly approved an agreement with the institute, which was signed November 7, 1924, by which its work is placed under the patronage of the League, and assisted by it. Under this agreement,[3] the institute is to undertake the development of an alphabetic collective catalog of the great libraries of the world, develop certain sections of a systematic catalog, collect bibliographic works and library catalogs, centralize bibliothecal documents, prepare subsequent editions of the *Index Bibliographicus*, and publish a periodical bulletin of bibliography, as well as maintain an information office. Ernest C. Richardson of the American Library Association has been designated as one of the experts to determine the order in which this program will be undertaken.

## Interuniversity relations.

A subcommittee on this subject was appointed August 4, 1922, consisting of the following members:

M. Bergson, chairman;
M. de Castro;
M. Destrée;
Mr. Millikan;
Mr. Murray;
M. de Reynold.

[1] *Official Journal*, V, p. 1807; VI, p. 739. [2] *Ibid.*, V, p. 1536.
[3] *Ibid.*, p. 1810.

The committee has met at Paris in December, 1922, at Brussels, March, 1923, Paris, December 3–4, 1923, Brussels, April 29–30, 1924, Geneva, July 24, 1924. This committee began studying the possibility of convening an international university congress, which, however, it felt was not yet possible. It considered and found inpracticable a proposal to found an international university. On the other hand, it is actively pursuing a program with the object of realizing the equivalence of university degrees in the institutions of learning of various countries. This question involves an extensive examination into both the practice and curricula of universities throughout the world.

The principal activity of the subcommittee is exhibited in the establishment of the International University Information Office at Geneva in January, 1924. The office publishes a periodical *Bulletin* dealing with all phases of university relations, and paying special attention to information concerning the international recognition of degrees and diplomas, comparative study of curricula, announcements of courses on international relations in all phases, the interchange of students, and the extension of the interchange of professors. The office is directed by a governing body, of which the director of the American University Union in Europe is a member.

### Intellectual Property

The subcommittee on this subject was established August 3, 1922, and consists of the following members:

M. Bergson, chairman;
M. Destrée;
Mr. Millikan;
M. de Reynold;
M. Ruffini;
M. de Torres Quevedo.

The subcommittee has met at Paris, December, 1922, at Brussels, March, 1923, at Paris, November 28–29, 1923, and at Geneva, July 31, 1924. The committee is working toward the better protection of intellectual work. As a result of its efforts, a wider adherence of states to the Bern convention, 1886, protecting artistic and literary property is being obtained. The subcommittee at the outset decided that the protection of scientific property and the right of the scientist to his invention should be the subject of a draft international convention, based on the idea that scientific discovery should rank with artistic creation and technical

invention, both of which are protected, the former by copyright and the latter by patents. While the invention of a new rubber heel may bring a fortune to the patentee, the scientist who discovers a scientific law or the property of a body is protected by no law and may end his life in poverty without being able to claim the smallest share of the benefits reaped by those enriched by his invention. The Fourth Assembly approved the principle of M. Ruffini's scheme, and decided to submit it to all governments, which are communicating their observations on it to the Secretariat. The committee may ultimately prepare a final draft convention to be submitted to the states for signature and ratification.

The subcommittee advocates the better protection of professional titles. "When a nation has organized a whole course of studies for the bestowal of a professional title," says the resolution,[1] "such title should, both in the interest of the studies themselves and from the point of view of honest competition, be protected against usurpation, preferably by a penal clause similar to that rendering the unauthorized wearing of decorations an offense." This resolution has been submitted to governments for their consideration, it being deemed that any international regulation of the question would be premature.

A report has been adopted suggesting the negotiation of an agreement to prevent the smuggling of works of art and antiquities, a traffic which is highly injurious to methodical and fruitful scientific research.

The committee at its first meeting[2] adopted a resolution that, in spite of the zeal shown in discovering and preserving monuments of antiquity, numerous documents of the highest value still remained buried in the earth or inaccessible. International cooperation in these matters already existed between certain nations, but no international rules had been established for regulating the whole matter. It might, therefore, be possible to work for an international understanding on the following matters: 1, The framing of a list of archæological sites not yet explored; 2, A general plan of research; 3, An agreement on methods of research; 4, International rules for preserving and establishing rights of property in archæological monuments.

[1] *Official Journal*, V, p. 1528. [2] *Minutes of 1st Session*, p. 30.

## 5. ADVISORY COMMITTEE ON TRAFFIC IN WOMEN AND PROTECTION OF CHILDREN

### Committee on Traffic in Women

Art. 23 of the Covenant provides that, "subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League . . . (*c*) will intrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children."

A conference was held at Paris, July 15–25, 1902, on this subject and a convention signed there on May 18, 1904, to which the United States is a party. A further conference, resulting in a revised convention, was held at Paris, April 18–May 4, 1910. A preliminary conference looking toward a second revision of the 1904 convention at a later date was held at Brussels, October 21–24, 1913. The League's first effort was to bring about the revision thus already contemplated, and so to extend the system of protection along lines that experience had shown to be desirable and feasible.

The International Conference on White Slave Traffic was held at Geneva, June 30–July 5, 1921, with the following 35 states participating: Albania, Austria, Belgium, Brazil, Bulgaria, Canada, Chile, China, Czechoslovakia, Denmark, Esthonia, France, Germany, Great Britain, Greece, Hungary, India, Italy, Japan, Lithuania, Monaco, Netherlands, Norway, Panama, Poland and Danzig, Portugal, Rumania, Serb-Croat-Slovene State, Siam, South Africa, Spain, Sweden, Switzerland, Uruguay.

The convention embodied 15 recommendations relative to improvements to be effected in the 1910 convention, to national legislation which it is desirable to pass, and to matters which should be incorporated in a new international convention.[1] It was signed at Geneva until September 30, 1921, by 33 states. The convention entered into force on June 15, 1922. The Fourth and Fifth Assemblies asked for an inquiry into the delay of states in taking action upon it.

[1] *Treaty Series*, IX, p. 416.

On January 14, 1922, the Council, in fulfillment of the 11th recommendation of the Final Act of the conference, adopted a resolution definitely constituting the Advisory Committee on the Traffic in Women and Children, which was organized so as to comprise government representatives of 10 states, including the United States, and five delegates of associations. The name of the committee was changed to Advisory Committee on Traffic in Women and Protection of Children by the Council on December 10, 1924,[1] owing to the relationship established by the League with the International Association for the Promotion of Child Welfare. The reorganized Committee asked the Council to give them for the future the title of "Advisory Committee for the Protection of Children and of Youth." It is divided into two parts, the Government representatives having the right to a seat in each. The first section is the "Committee on the Traffic in Women and Children, and the second the "Committee for the Protection of Children." The two committees will hold their regular sessions at the same time, one following immediately after the other, the president of the committee having the right to convoke the two committees in plenary session for the discussion of any question. The committee as reconstituted follows:

COMMITTEE ON TRAFFIC IN WOMEN AND PROTECTION OF CHILDREN

*Delegates named by Governments:*

Count CARTON DE WIART (Belgium);
Dr. Estrid HEIN (Denmark);
S. W. HARRIS (British Empire);
Don Pedro SANGRO y Ros de Olano (Spain);
Miss Grace ABBOTT (United States);
M. REGNAULT (France);
Marquis Paulucci DE CALBOLI (Italy);
Yotaro SUGIMURA (Japan);
Stanislas POSNER (Poland);
Nicolas Petresco COMNÈNE (Rumania);
Dr. Paulina LUISI (Uruguay).

*Assessors named by benevolent associations:*

Miss Josephine BAKER, International Bureau for Suppression of Traffic in Women and Children;
Mme. CHAPONNIÈRE-CHAIX, Organisations internationales des femmes;
Mlle. THURLER, Association catholique internationale des œuvres de protection de la jeune fille;
Mme. CURCHOD-SECRETAN, Federation des Unions nationales des amies de la jeune fille;
S. COHEN, Jewish Association for the Protection of Girls and Women.

*Assessors specially appointed for the protection of children:*

Henri ROLLET, Association internationale pour la protection de l'Enfance;
Dr. HUMBERT, Ligue des Sociétés de la Croix-Rouge;

[1]*Official Journal*, VI, p. 135 and 221.

Dame Katherine FURSE, International Organization of Boy Scouts and Girl Guides;
Miss Eglantyne JEBB, Union internationale de secours aux enfants;
Miss Eleanor RATHBONE, Women's International Organization;
Dr. I. FERENCZI, International Labor Office;
M. JOHNSTONE, International Labor Office;
Dr. Léon BERNARD, Health Organization of the League of Nations.

**Meetings.**
1. Geneva, June 28–July 1, 1922.
2. Geneva, March 22–27, 1923.
3. Geneva, April 7–11, 1924.
4. Geneva, May 20–27, 1925.

The League approaches the problem of traffic in women from many angles, of which perhaps the most significant is the official inquiry by questionnaire undertaken to ascertain the extent of the traffic in different countries and the effectiveness of the measures taken to suppress it. Experts drew up the questionnaire forwarded to the Governments. Annual reports are received from states parties to the existing conventions, including the United States, though the response in this respect is yet far from complete. The Fifth Assembly requested states not complying with this form of supplying essential information to do so, and to deliver their reports for a given year in the first half of the succeeding year, which is being done. In the questionnaire[1] states are requested to report all laws and regulations in force, the central authority charged with executing them, the degree of supervision of emigration and immigration with relation to traffic in and protection of women, and for a statement of their attitude toward the maintenance of licensed houses. The Fifth Assembly indorsed all these efforts to secure information, as well as a request that states not having appointed a central authority do so as soon as possible. The committee at its 1925 session was able to study reports for both 1923 and 1924, so that the report system is now fully operative.

At the request of the Advisory Committee the Council on July 7, 1923, appointed a committee to conduct an international investigation into the extent and scope of the traffic in women. Miss Grace Abbott, the American representative on the commit-

[1]*Official Journal*, V, p. 942.

tee, who was responsible for the suggestion, on October 5, 1923, informed the Secretary-General that, as anticipated, an American private organization, the Bureau of Social Hygiene, Inc., would provide the funds for the investigation, amounting to $75,000. The committee is made up as follows: Col. William F. Snow, Director of the American Bureau of Social Hygiene, president; Princess Christina Giustiniani Bandini (Italian); S. W. Harris (British); M. Hennequin (French); Dr. Paulina Luisi (Uruguayan); Isidore Maus (Belgian); Alfred de Meuron (Swiss).

It met in a first session at Geneva April 1–7, 1924, in a second session October 3–6, and in a third at Geneva, July 27, 1925.

Governments have been asked to transmit copies of their laws showing the provisions made respecting the legal age of marriage and the circumstances in which the age of the victim is considered an extenuating or aggravating factor in sexual offenses committed against minors.

The committee has also recommended to governments consideration of the usefulness of the employment of women police.

### Committee for the Protection of Children

The International Association for the Promotion of Child Welfare, on its own application, was placed under the direction of the League by resolution of the Council in March, 1924, at which time the Council decided that the work hitherto carried out by the association should in the future be intrusted to the Secretariat, subject to ratification by the Assembly. The Fifth Assembly ratified this decision and requested the Council to reconstitute the Advisory Committee on the Traffic in Women and Children under a new name and with two groups of assessors.

Respecting the subjects to be aimed at with regard to children the resolution provides:

I. 3. The Assembly considers that the subjects to be dealt with and the methods of dealing with them should be such as may be approved by the Council on the advice of the Advisory Committee; and considers that in this matter the League can most usefully concern itself with the study of those problems on which the comparison of the methods and experiences of different countries, consultation and interchange of views between the officials and experts of different countries and international cooperation may be likely to assist the Governments in dealing with such problems.

4. The Assembly takes note of the fact that the protection of children in certain respects already falls within the scope of the work of existing organizations of the League; for example, protection, from the hygienic point of view, falls within the sphere of the Health Organization of the League, and the regulation of the conditions of employment of children within that of the International Labor Organization; and considers that, in carrying out any new duties intrusted to the League, care should be taken to prevent any duplication of work.

5. The Assembly recommends in addition that the Health Organization of the League should be invited to consider any measures within its competence which it would be desirable and practicable to undertake for the protection of children from the hygienic point of view.

II. The Assembly indorses the declaration of the rights of the child, commonly known as the Declaration of Geneva, and invites the states Members of the League to be guided by its principles in the work of child welfare.

*Declaration of Geneva.*

"By the present Declaration of the Rights of the Child, commonly known as the Declaration of Geneva, men and women of all nations, recognizing that mankind owes to the child the best that it has to give, declare and accept it as their duty that, beyond and above all considerations of race, nationality or creed:

"I. The child must be given the means requisite for its normal development, both materially and spiritually;

"II. The child that is hungry must be fed; the child that is sick must be helped; the child that is backward must be helped; the delinquent child must be reclaimed; and the orphan and the waif must be sheltered and succored;

"III. The child must be the first to receive relief in times of distress;

"IV. The child must be put in a position to earn a livelihood and must be protected against every form of exploitation;

"V. The child must be brought up in the consciousness that its talents must be devoted to the service of its fellow men."

The committee insists upon the importance of taking as the subject of its study the normal child, without however neglecting the condition of the abnormal child. The reorganized committee was of the opinion that the duties of the League may be divided into three principal categories: 1, Documentation, 2, Inquiries, 3, Exchanges of views. The Council accepted the following program of its work for the future: 1, Study of legislation relating to the protection of the life and health of infants;

2, Collection of laws relating to the age of consent and of the age for marriage; and 3, Preparation of an international convention for assistance and repatriation of abandoned, neglected or delinquent children of foreign nationality. The report also treated of questions relating to work of children, family allowances, the effects of the cinematograph on the mentality and morality of children, to their biological education, of the regrettable effects of alcoholism, and the education of young people in the principles of international cooperation with a view to familiarizing themselves with the principles and work of the League of Nations.

The American Social Hygiene Association has placed $5,000 at the disposition of the League for this work, while the Friends of the League of Nations, an American society with headquarters at Richmond, Va., contributed $1,500, which was assigned to the committee for its use.

### Deportation in Turkey

A commission to inquire into the deportation of women and children in Turkey was constituted as a result of an Assembly resolution by the Council on February 22, 1921. The commission is made up of Dr. Kennedy (British), Miss Emma Cushman (American) and Mme. Gaulis (French). The commission reported to the Council on August 30, and the Second Assembly passed a resolution providing for a commissioner and a mixed board to deal with the reclamation of women and children in cooperation with the high commissioners (including the American), the Turkish authorities and the Greek and Armenian patriarchs. The Neutral House already established as the seat of the work was placed under the management of the commission. William Wheelock Peet, treasurer of American missions in Turkey, was offered the commissionership by the Council on October 2, 1921, but was unable to accept and Dr. William A. Kennedy took the post. The Council on October 2, 1922, requested states having mandates to make it possible for the work to be extended to such territories. Miss Karen Jeppe had in the interval undertaken a similar work at Aleppo and the Third Assembly recognized its value by appropriating funds in aid of it.

The headquarters at Constantinople is now the League of Nations House, 19 rue Télégraph, Pera, under the charge of

Miss Caris E. Mills (American) as directress. The American Women's Hospitals and the Christian Science Relief of America have contributed to the work. In the year ending July, 1924, at Constantinople about 1,300 children and 1,000 women were reclaimed and in the majority of cases returned to their relatives. The Aleppo Reception House has taken care of about 500 persons, of whom 80% have rejoined their relatives.[1]

## Obscene Publications

The International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications met, by the invitation of the Government of the French Republic, at Geneva, under the auspices of the League of Nations, from August 31–September 12, 1923, in pursuance of a resolution of the Third Assembly on September 28, 1922.[2] In conformity with the resolution, the draft convention established by the international conference held at Paris in 1910, together with a questionnaire, was communicated on November 1, 1922, to all states. The replies to this questionnaire were also transmitted by the Secretariat to all states and submitted to the conference.

The following states took part in the conference: Albania, Australia, Austria, Belgium, China, Colombia, Costa Rica, Czechoslovakia, Cuba, Denmark, Finland, France, Great Britain, Greece, Guatemala, Hungary, Haiti, India, Italy, Japan, Latvia, Lithuania, Luxemburg, Monaco, Netherlands, Persia, Poland, Serb-Croat-Slovene State, Siam, Spain, Sweden, Switzerland, United States, Uruguay and Venezuela.

The conference took the draft convention of 1910 as a basis of discussion, but after examination of it and of the replies to the questionnaire, unanimously came to the conclusion that a new convention should be drafted. Agreement was reached, and the new text was unanimously accepted on September 11, and the convention[3] was opened for signature from September 12, 1923, to March 31, 1924, at which time 43 states had affixed their signatures.

In view of the desirability of the provisions of this convention

[1] *Official Journal*, V, p. 1442.
[2] *Resolutions and Recommendations . . .* 1922, p. 34.
[3] *Treaty Series*, XXVII, p. 214.

being applied by as many states as possible, the Council on December 10, 1923, sent copies of it to Afghanistan, Danzig, Egypt, Ecuador, Germany, Hejaz, Iceland, Liechtenstein, Mexico, Russia, San Marino and Turkey, with an invitation to sign the convention before March 31, 1924, or to adhere to it after that date. Signatures have been affixed by Albania, Australia, Austria, Belgium, Brazil, British Empire, Bulgaria, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Free City of Danzig, Denmark, Finland, France, Germany, Greece, Haiti, Honduras, Hungary, India, Irish Free State, Italy, Japan, Latvia, Lithuania, Luxemburg, Monaco, Netherlands, New Zealand, Panama, Persia, Poland, Portugal, Rumania, Salvador, Serb-Croat-Slovene State, Siam, South Africa, Switzerland, Turkey and Uruguay, while Egypt and Peru have adhered.

The Secretariat is intrusted with the receipt of all instruments of ratification, denunciations, or requests for revision. The Council is asked to consider the advisability of calling a further conference at the end of each five years or upon a request by five of the parties for a revision of the convention. Disputes regarding interpretation or application of the convention are to be referred to the Permanent Court of International Justice. In order that information may at all times be available on the progress of the work of suppression, the Conference recommended that the Secretariat should issue a periodical questionnaire and circulate the information collected.

## 6. OPIUM

**History.** Art. 23 of the Covenant provides that, "subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League (*c*) will intrust the League with the general supervision over the execution of agreements with regard to . . . the traffic in opium and other dangerous drugs."

An international opium commission met at Shanghai in 1909 and a conference was convened at The Hague in 1912, resulting in a convention for the international control of opium and similar drugs. Additional conferences were convened in 1913 and 1914 with the purpose of bringing the 1912 convention into force.[1] This had not taken place at the outbreak of the world war. With a view to making the convention effective, the signatories of the treaties of peace by Art. 295 of Versailles and corresponding articles of the other treaties agreed "that ratification of the present treaty should, in the case of powers which have not yet ratified the opium convention, be deemed in all respects equivalent to the ratification of that convention."

By the opium convention the Netherlands Government was designated as the depositary of ratifications and the collector of data respecting the traffic. This Government requested the League, in view of Art. 23 of the Covenant, to assume the duties placed upon it by the convention with regard to the collection of data and dealing with disputes. This proposal was accepted by the First Assembly, which also urged wider ratification of the 1912 convention.

**Advisory Committee.** The First Assembly resolved that an advisory committee be appointed by the Council, which did so by resolution of February 21, 1921. It consists of representatives of twelve countries: The Netherlands, Great Britain, France, India, Japan, China, Siam, Germany, Bolivia, United States, Serb-Croat-Slovene State and Portugal, and three assessors appointed by the Council by name. The present composition of the committee follows:

M. Bourgois (France);
John Campbell, C.S.I., O.B.E., I.C.S. (India);
Prince Charoon (Siam);
Chao-Hsin Chu (China);
Manuel Cuellar (Bolivia);

[1] *Treaty Series*, VIII, p. 188.

Sir Malcolm DELEVINGNE, K.C.B. (Great Britain);
H. E. M. FERREIRA (Portugal);
Dr. ANSELMINO (Germany);
Dr. Mitsuzo TSURUMI (Japan);
W. G. VAN WETTUM (Netherlands);
M. Milutin YOVANOVITCH (Serb-Croat-Slovene State).

*For the United States:*
Asst. Surgeon-General Rupert BLUE;
Edwin L. NEVILLE (United States).

*Assessors:*
Sir John JORDAN, G.C.I.E., K.C.B., K.C.M.G. (British);
Mrs. Hamilton WRIGHT (American);
Henri BRENIER (French).

**Meetings.** 1. Geneva, May 2–5, 1921.
2. Geneva, April 19–29, 1922.
3. Geneva, September 1, 1922.
4. Geneva, January 8–14, 1923.
5. Geneva, May 24–June 7, 1923.
6. Geneva, August 4–14, 1924.
7. Geneva, August 24– , 1925.

**Preliminary Work.** The committee began its work from the foundation of the 1912 convention, which it became one of its important tasks to make world wide. By April 1, 1925, the convention had been ratified by all states except Afghanistan, Argentine Republic, Lithuania, Paraguay, Mexico, Persia, Russia and Turkey, which had taken an obligation to ratify.[1]

It collects and publishes information as to the measures taken to give effect to the convention and the position generally in all countries in regard to the traffic, with a view to securing the enforcement of the convention.

It recommended to states the system of import certificates, arranging the exchange between states of information in regard to the illicit traffic in drugs, and proposing other measures for securing international cooperation in suppressing that traffic. By August, 1924, the system of import and export certificates proposed by the League was in force in 29 territories: Albania, Australia, Austria, Belgium, British Colonies, Bulgaria, Canada, Cuba, Czechoslovakia, Denmark, Finland, Germany, Great Britain, Greece, Guatemala, Haiti, India, Japan, Latvia, Mexico, Netherlands East Indies, New Zealand, Norway, Panama, Poland, Siam, South Africa, Spain, Sweden. The United States has a similar system in force under national law. The following had adopted the system in principle: Argentine Republic, Brazil,

[1]Treaty of peace, Lausanne, July 24, 1923, Art. 100, 9 (*Treaty Series*, XXVIII, p. 87).

Chile, China, Dominican Republic, Esthonia, Hungary, Iceland, Italy, Lithuania, Luxemburg, Netherlands, Newfoundland, Peru, Portugal, Rumania, Venezuela.

The exchange of information in regard to drug seizures has been established. The states undertaking to communicate such facts are: Albania, Australia, Canada, Czechoslovakia, Danzig, Dominican Republic, Esthonia, Finland, Germany, Great Britain, India, Italy, Monaco, New Zealand, Norway and Siam.

A survey of the penalties inflicted in various countries for trafficking in narcotics has been made. The following states report their annual drug requirements to the Advisory Committee: Albania, Australia, Austria, Belgium, Bulgaria, Canada, Czechoslovakia, Denmark, Finland, Germany, Great Britain, Guatemala, Haiti, Hungary, India, Italy, New Zealand, Poland, Siam, Sweden, Switzerland, United States.

It is investigating the question of the world's needs of the manufactured drugs for medical and scientific uses, with a view to the eventual limitation of the production of these drugs.

An extensive questionnaire was addressed by the committee to all Governments in the summer of 1921. The replies gave the first census of the drug traffic ever made. It pointed the way to more effective methods of control and brought to light a number of new phases of the problem.

The questionnaire was sent to all governments, including that of the United States, which did not reply. It was then forwarded to Washington by the Netherlands Government, which under the terms of the convention of 1912 was to collect data. Replies from the United States were received by the League through that channel for some time, but correspondence is now direct. Through the fourth session of the committee Dr. Rupert Blue acted for the United States in an "unofficial and consultative capacity." Under public resolution No. 96, 67th Cong., approved March 2, 1923, "requesting the President to urge upon the Governments of certain nations the immediate necessity of limiting the production of habit-forming narcotic drugs and the raw materials from which they are made to the amount actually required for strictly medicinal and scientific purposes," the United States accredited a delegation consisting of Stephen G. Porter, Charles H. Brent and Rupert Blue to the fifth session of the committee. The

United States has since that time taken an official interest in the work of the committee.

Profiting by the cooperation of the United States at the fifth session, the committee accepted the propositions of the United States' representatives as embodying the general principles by which the governments should be guided in dealing with the question of the abuse of dangerous drugs, and on which, in fact, the International Convention of 1912 is based, subject to the fact that the following reservation has been made by the representatives of the Governments of France, Germany, Great Britain, Japan, Netherlands, Portugal and Siam:

> The use of prepared opium and the production, export and import of raw opium for that purpose are legitimate, so long as that use is subject to and in accordance with the provisions of Chap. II of the convention.

The American delegates participated in the work of the Fifth Committee of the Fourth Assembly. A proposal for two conferences, the first of the producing countries of the Far East and the second of all countries, was adopted in Assembly resolutions. At the request of the United States the Council on September 29, 1923, passed a resolution providing that two conferences should follow each other and that the first should be convened in July, 1924. Subsequently, at the 27th session of the Council, on the request of the United States, the conferences were postponed.

The special League committee to prepare the program of the general conference convened at Geneva from March 6–10, 1924, under the presidency of M. van Wettum of the Advisory Committee. The committee included M. Bourgois of France, Sir Malcolm Delevingne of Great Britain, Edwin L. Neville of the Far Eastern Division of the United States Department of State; Henri Brenier and Sir John Jordan, assessors of the Advisory Committee. At its sixth session the Advisory Committee developed a program from their studies.

## Conferences[1]

**First Conference.** The First Opium Conference was held at Geneva, November 3, 1924, to February 11, 1925, between the representatives of the British Empire, China, France, India,

[1]For full account see *The International Opium Conferences*, by Raymond L. Buell (World Peace Foundation Pamphlets, VIII, Nos. 2–3).

Japan, Netherlands, Portugal and Siam. The agenda of the conference was as follows:

(1) The examination of the present situation in regard to the application of Chap. II of the Convention of 1912 in Far Eastern territories and of the difficulties encountered;

(2) consideration of measures which can be taken to carry out more effectively the policy imposed in Chap. II, with special reference to the suggestions put forward by the Advisory Committee;

(3) preparation of a convention to embody measures agreed upon by the conference;

(4) consideration (*a*) of the present situation in China with regard to the production of opium and its effect upon the control of the use of opium in the neighboring territories, (*b*) of the measures which might be suggested to the Government of the Chinese Republic for bringing about the suppression of the illegal production and use of opium in China.

The conference produced an agreement, a protocol and a final act with the purpose of bringing about "the gradual and effective suppression of the manufacture of, internal trade in and use of prepared opium" in Far Eastern possessions and territories and "of taking all possible steps for achieving the suppression of the use of opium for smoking."

The agreement makes the importation, sale and distribution of opium a state monopoly, and also the making of the prepared product as soon as circumstances permit. Retail sale by licensed persons only is stipulated, while the system of such sale by salaried persons is to be tried. Sales to minors are prohibited and their presence in smoking divans interdicted. Private dealing in "dross" is prohibited. The export of import opium is to cease, and transit is placed strictly under control. Instruction to discourage the use of prepared opium is advocated. Legislative measures to render illegitimate transactions punishable are contemplated. All obtainable information as to the number of opium smokers is to be reported to the League Secretariat for publication. A further conference is to take place not later than 1929.

The protocol promises the initiation of measures to reduce the use of prepared opium so that it "may be completely suppressed within a period of not more than 15 years." This period will begin when a commission appointed by the League Council

determines that measures to prevent the exportation of raw opium make possible the reduction of consumption. If failure to accomplish this should appear, the fact may be brought before the Council; if the decision should result in any state denouncing the protocol, a fresh conference will be held at once. Coordination of effort to effect the complete and final suppression of the use of prepared opium is provided for.

The Chinese delegate did not sign the documents.

**Second Conference.** This conference sat from November 17, 1924, to February 19, 1925, was attended by representatives of the following 41 Governments: Albania, Australia, Belgium, Bolivia, Brazil, British Empire, Bulgaria, Canada, Chile, China, Cuba, Czechoslovakia, Danzig, Denmark, Dominican Republic, Egypt, Finland, France, Germany, Greece, Hungary, India, Irish Free State, Italy, Japan, Luxemburg, Netherlands, Nicaragua, Persia, Poland, Portugal, Rumania, Serb-Croat-Slovene State, Siam, Spain, Sweden, Switzerland, Turkey, United States, Uruguay, and Venezuela.

The agenda of this conference was as follows:

> Consideration of measures which can be taken to carry out the Convention of 1912 with regard to the (1) limitation of the amounts of morphine, heroin, or cocaine and their respective salts to be manufactured; (2) a limitation of the amounts of raw opium and the coca leaf to be imported for that purpose and for other medicinal and scientific purposes; (3) a limitation of the production of raw opium and the coca leaf for export to the amount required for such medicinal and scientific purposes.

Prohibition of the manufacture and distribution of heroin was referred to a subcommittee on the proposal of the United States. A proposal that the contracting parties should enact laws "for the control of the production and distribution of raw opium and coca leaves so that there will be no surplus available for purposes not strictly medical or scientific" was also made by the Americans. Addition of this item was opposed but was made by a vote of 26 to 1, with 9 abstentions.

The American delegation withdrew on February 6, 1925, reading a statement in which it was assumed that the purposes for which the conference was called were recognition "that the use of opium products for other than medical and scientific purposes

is an abuse and not legitimate," and "control of the production of raw opium in such a manner that there will be no surplus available for nonmedical and nonscientific purposes." As "no appreciable reduction in raw opium may be expected," owing to the reservations made, the purpose could not be accomplished. "In the matter of manufactured drugs and the control of transportation an improvement over the Hague convention is noticeable. There is, however, no likelihood of obtaining a complete control of all opium and coca leaves." "The conference is unable to accomplish" strict limitation of raw opium and coca leaves to medical and scientific purposes. "In pursuance of instructions received from its Government," the delegation stated it had no alternative "other than to withdraw, as it could not sign the agreement which it is proposed to conclude."

The conference produced a convention in replacement of Chaps. I, III and V of the 1912 convention, a protocol and a final act. As the agreement of the First Conference covered the subject matter of Chap. II of the 1912 convention and Chap. IV of it relates wholly to China, the 1925 conventions resulted in treaties which, so far as ratified, will replace the 1912 convention and which, as the 1925 convention says in the preamble, will "complete and strengthen its provisions."

The convention contains seven chapters. Chap. I gives definitions of raw opium, medicinal opium, morphine, diacetylmorphine, coca leaf, crude cocaine, cocaine, ecgonine and Indian hemp; five definitions being additional to those of 1912. Chap. II relates to internal control, the parties undertaking to enact laws and regulations for the effective control of production, distribution and export of raw opium and to limit the localities of export or import of raw opium or coca leaves. Chap. III, internal control of manufactured drugs, applies to the drugs listed above, preparations of them, and any other narcotic drug which is found liable to similar abuse by the Health Committee of the League in consultation with the Comité international d'Hygiène publique. The contractants agree to enact effective legislation to "limit exclusively to medical and scientific purposes the manufacture, import, sale, distribution, export and use" of the specified substances. Control shall be exercised over all concerned with them by a license system. Chap. IV applies the principles of the

convention to Indian hemp. Chap. V, control of international trade, requires each contracting party to require a separate import or export "authorization to be obtained for each importation [or exportation] of any of the substances" specified. Full details to render this system effective are agreed to, covering such matters as free port handling, bonded warehousing, passage through third countries, etc.

Chap. VI establishes a Permanent Central Board of eight persons, not holding offices dependent on their Governments. The board is to be appointed by the Council of the League from persons commanding general confidence and possessing a knowledge of the drug situation in its various phases. "The United States and Germany shall be invited each to nominate one person to participate in these appointments." "The full technical independence of the board in carrying out its duties" is to be assured. Before December 31 each contractant is to send to the board estimates of its requirements of drugs for the following year. An annual report is to be made after the close of each year giving statistics of production, manufacture, stocks on hand, consumption and confiscations, the report to be communicated to contracting parties. Imports and exports are to be reported quarterly. The statistics are to be furnished in such form as "to enable the amounts required in the country for general medical and scientific purposes to be ascertained." Other statistics are to be forwarded "in order to complete the information of the board as to the disposal of the world's supply of raw opium." If the board concludes from the information at its disposal that excessive quantities of any drug are accumulating in any country or the latter is in danger of becoming a center of illicit traffic, the board may ask for explanations through the Secretary-General of the League. If an explanation is unsatisfactory or none is forthcoming, the board has the right to call the matter to the attention of all contracting Governments and of the Council, as well as to recommend the cessation of exports to that country. The right of a hearing is given to the offending country. The board has the right to publish a report on the matter for communication to all contracting parties. The board may take the same measures of notification to states not parties to the convention. It is the friendly right of contractants to

draw the attention of the board to any matter within its competence which appears to require investigation. The board will make an annual report, to be published.

Chap. VII provides for penal legislation to be passed by the contractants, for legislation to assist the board and for the mutual exchange of all pertinent legislation. Provisions for settling disputes over the text and the customary stipulations respecting accession, ratification, etc., complete the convention.

The protocol consists of an agreement to prevent within five years the smuggling of opium from constituting a serious obstacle to the effective suppression of the use of prepared opium in territories where its use is temporarily authorized.

The final act expresses the hope that the convention be applied in the colonies, possessions, protectorates and territories of the contractants. It urges consideration of prohibiting ships from carrying drugs without export authorization. Cooperation of national authorities in the suppression of illicit traffic and the requirement of sureties from licensed dealers are recommended. The Council is asked to examine the suggestion that a commission study the problem that limitation of production would create for countries raising opium.

The final act was signed on behalf of Albania, Australia, Belgium, Bolivia, Brazil, British Empire, Czechoslovakia, France, Germany, Greece, Hungary, India, Irish Free State, Japan, Luxemburg, Netherlands, Persia, Poland, Portugal, Siam, Spain, Uruguay.

## 7. INTERNATIONAL BUREAUS

"There shall be placed under the direction of the League all international bureaus already established by general treaties, if the parties to such treaties consent. All such international bureaus and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League.

"In all matters of international interest which are regulated by general conventions but which are not placed under the control of international bureaus or commissions, the Secretariat of the League shall, subject to the consent of the Council, and if desired by the parties, collect and distribute all relevant information and shall render any other assistance which may be necessary or desirable."—*Covenant*, Art. 24.

**Publications.** The Secretariat of the League prepares and publishes a *Quarterly Bulletin of Information on the Work of International Organisations*, the first number of which appeared in October, 1922. The publication is a record of the meetings and general activities of existing public and private international institutions. It serves as the central information medium in making the work of the various organizations known.

The *Handbook of International Organisations* published in 1922 and containing succinct information as to the number, objects, history and general activities of some 352 international organizations, whether established by private initiative or created by general treaties, was revised in 1923 in order to bring the information up to date. A third edition is in preparation.

The Council on August 3, 1920, voted to contribute £1,500 toward the publication of a compilation of the resolutions of international congresses by the Union of International Associations at Brussels. This work has been issued.

A register for international associations, of a social, scientific, artistic or literary character is to be opened.

**Organizations.** Art. 24 of the Covenant provides that international bureaus "already established by general treaties," that is, existing on January 10, 1920, are to be under the direction of the League, if the treaty parties consent. On the other hand, those

subsequently established by treaty "and all commissions for the regulation of matters of general interest" shall be placed under its direction. The general principles to be observed in placing international bureaus under the authority of the League were laid down in a report adopted by the Council on June 27, 1921.[1]

A question has arisen as to whether only official organizations are to be affiliated to the League. A specific case was referred by the Council to the Economic Committee in January, 1923, and that committee expressed the view that Art. 24 should be applied in the strict and literal sense, and that only international organizations established by general treaties should be admitted. The Council indorsed this opinion in a resolution adopted on July 2, 1923, but it was felt desirable not to establish definitely a hard and fast rule but to make it possible that special cases might be open to consideration and that a door should be left open for further discussion of the general principle.[2]

The organizations on which the Council has acted under Art. 24 are:

The *International Hydrographic Bureau* was created by a conference held in London in 1919, the purpose of which was to coordinate and re-establish the extensive and important work of studying ocean currents and other maritime phenomena, which is best known through the popular interest in the scientific activities of the Prince of Monaco. The United States participated in the conference. The bureau, when organized, applied to the League to be taken under its direction. The application was granted by a decision of the Council of October 2, 1921. The Prince of Monaco contributed the real estate of his Oceanographic Institute to the bureau as its headquarters. It issues a Hydrographic Review and a conference is held every five years.

The states members of the Bureau are: The Argentine Republic, Belgium, Brazil, British Empire (The United Kingdom and Australia), Chile, China, Denmark, Egypt, France, Greece, Italy, Japan, Monaco, Netherlands, Norway, Peru, Portugal, Siam, Spain, Sweden, United States and Uruguay.

Vice-Admiral Albert P. Niblack, U.S.N. retired, is a member of the Permanent Committee.

[1] *Official Journal*, II, p. 759; *Minutes of 13th Session of the Council*, p. 249.

[2] *Official Journal*, IV, p. 858.

The bureau cooperates particularly with the Advisory Committee for Communications and Transit.

The *International Association for the Promotion of Child Welfare* was placed under the direction of the League by resolution of the Council at its 28th meeting in March, 1924. The association was organized on July 21, 1921, by the official delegates of states and has maintained offices at Brussels. Its purpose is to "serve as a link between those in the different countries interested in child welfare; to facilitate the study of questions relating to children and to support progress by legislation and the conclusion of international agreements." Belgium, France, Greece, Italy, Poland, Sweden, Morocco and Egypt signed the constituent convention, while China, Switzerland and Mexico are adhering members. Besides states, international and national institutions and associations, as well as individuals, are members. Annual conferences are held, and a publication reviewing national child legislation is issued.

The association in June, 1922, applied to be taken under the direction of the League. The Council in September, 1922, decided to ask the association whether it were possible for it to modify the constitution of its governing body—an international committee the majority of whose members was not composed of representatives of adherent Governments. In February, 1923, the president of the association informed the Secretary-General that the members of the international committee were not disposed to make the changes suggested by the Council, and requested that the matter be again placed before the Council. The Council reconsidered the matter on April 17, 1923, but the question was again adjourned. At the 28th meeting of the Council on March 14, 1924,[1] the resolution adopted decided that

"the work hitherto carried out by the Association shall in future be intrusted to the Secretariat."

The Fifth Assembly placed the work under the Advisory Committee on Women and Children.

The *International Commission for Air Navigation* was constituted on July 11, 1922, under Art. 35 of the convention relating to the regulation of aërial navigation dated Paris, October 13, 1919.[2]

[1]*Official Journal*, V, p. 715. [2]*Treaty Series*, XI, p. 174.

According to this article, "there shall be instituted, under the name of the International Commission for Air Navigation, a permanent international commission placed under the direction of the League of Nations." Nineteen states had ratified the convention up to October, 1924. The convention came into force on July 11, 1922, and the commission accordingly came automatically under the direction of the League. The commission, from the nature of its work, is in close touch with the Organization for Communications and Transit of the League.

In September, 1922, the Council received a request from the *International Institute of Commerce* to be placed under the direction of the League. This body had in 1921 submitted a request that it might be considered as the official organ of commercial documentation of the League. It now desired merely to be placed under the direction of the League. The Council referred the application for examination to the Economic Committee, which, during its seventh session in January, 1923, suggested that it should be authorized by the Council to enlist the cooperation of the institute, as and when occasion might arise, on subjects with regard to which it might be able and willing to assist. The Council, on January 30, 1923, approved the proposals of the Economic Committee.

The *Central International Office for the Control of the Liquor Traffic in Africa*, at Brussels, set up by Art. 7 of the international convention signed at St. Germain-en-Laye on September 10, 1919,[1] communicates to the Secretariat copies of all returns concerning the importation of spirituous liquor into the various African colonies and mandated territories, as well as the different ordinances in force in those colonies and territories. This is one of the duties of the office under the convention. The office was placed under the general direction of the League by a Council resolution of January 11, 1922.[2]

The *International Parliamentary Conference of Commerce* began on the initiative of the commercial committee of the English Parliament in 1914, with the double purpose of encouraging concordant commercial legislation and of facilitating the solution of questions of an international character. Fourteen parliaments are officially represented in it. The conference since 1919 has

[1] *Treaty Series*, VIII, p. 21.

[2] Minutes of the 16th Session, *Official Journal*, III, p. 91.

conducted the International Institute of Commerce at Brussels. The Council in June, 1925, in response to a request, expressed its sympathy with the general idea of collaboration between the League's technical organizations and the conference, the correspondence being communicated to the Economic, Financial and Transit Committees.

On January 30, 1923, the Council considered a request from the *International Committee on Agriculture* to be placed under the direction of the League. Sixteen countries are represented on the committee, which was founded in 1889 and has its seat in Paris. Its object is the study of agriculture and rural economy, and it has held eleven international congresses and published a number of valuable reports on different aspects of agriculture. The committee was not established by a general treaty and therefore does not necessarily come under the provisions of Art. 24 of the Covenant. The Council by a resolution of July 2, 1923, therefore decided not to place it under the direction of the League.

## 8. INTERNATIONAL RELIEF

Senator Giovanni Ciraolo, president of the Italian Red Cross, proposed to the League the organization of an International Federation for Mutual Assistance in the Relief of Peoples overtaken by Disaster. The project was circulated to Members and brought forth a variety of opinions concerning its feasibility and desirability, particularly in respect to the degree that it should be supported by public funds. The Fifth Assembly requested the Council to appoint a Preparatory Committee to determine the exact scope of the proposed international union's activities, the needs it would be designed to meet and the cost of the scheme, including the contributions required from each state.[1]

The Preparatory Committee was named by the Council on December 11, 1924, and organized as follows:[2]

Senator Giovanni CIRAOLO, president of the Italian Red Cross, author of the scheme, honorary president;

Benjamin FERNANDEZ Y MEDINA, Uruguayan Minister at Madrid, president;

André MATER, counsellor at law, secretary;

Georges WERNER, rector of the University of Geneva, representative of the International Committee of the Red Cross;

Sir Claude HILL, representative of the League of Red Cross Societies;

Colonel Robert Edwin OLDS,[3] delegate of the American Red Cross in Europe;

A. MAUDSLAY, representative of the British Red Cross;

Lieut.-Col. DRAUDT, vice-president of the German Red Cross;

P. G. LAURIN (Swedish), expert in collective insurance;

M. BARTENS,[4] head of the Belgian Transport and Food Supply Departments for Refugees during the World War;

Herr BERNSTEIN, legal counsellor of the Syndicate of German Banks;

Senator M. SARRAUT, former French minister.[5]

**Meetings.** 1. Geneva, May 25–28, 1925.
2. Paris, June 27– , 1925.

The committee has elaborated a project of statute for an organization with the title of the International Relief Union.

[1]*Resolutions and Recommendations . . . 1924*, p. 41.

[2]*Official Journal*, VI, p. 148.

[3]Colonel Ernest P. Bicknell, vice-president of the American Red Cross, is an alternate member of the committee.

[4]Count Henry Carton de Wiart sat during the first session of the committee.

[5]René Cassin sat during the first session of the committee.

It would comprise a general council of representatives of states and an advisory committee composed of 15 members appointed on account of their technical capacity, their experience and with regard to geographical distribution. A small executive committee, cooperating with the Red Cross and analogous organizations, would direct activities in the face of calamities coming within the union's program. Funds to the amount of 625,000 Swiss francs would be sought from Member states of the League on the basis of their budget quotas, but the principal resources of the union would be derived from private contributions. Financial control would be intrusted to the appropriate bodies of the League. The major purpose of the union would be to insure the immediate beginning of relief measures in disasters due to earthquakes, floods, fires, etc., and, afterward, to afford an adequate guaranty that contributed funds were properly and efficaciously employed.[1] The proposal is discussed by the Sixth Assembly.

[1]The proposals of the committee are printed in C. 392. M. 133. 1925. IV.

# PART III. DUTIES UNDER TREATIES

## I. PROTECTION OF MINORITIES

**Extent.** At the Paris Peace Conference a number of special treaties relating to the protection of racial, linguistic or religious minorities were concluded with the new states and with the states whose territory had been considerably increased as a result of the war. Clauses corresponding to those contained in these treaties were inserted in several treaties of peace.

All these treaties contain, apart from special provisions dealing with particular or local conditions, almost identical stipulations for establishing a general system of international protection for minorities applicable to all countries in which these stipulations are in force. The general object of these stipulations is to insure equal treatment in law and in fact for all nationals of the state in question. Further, the treaties grant to minorities certain guaranties as to the maintenance of their language and the exercise of their religion, etc. These stipulations, in so far as they affect persons belonging to racial, religious or linguistic minorities, constitute obligations of international concern placed under the guaranty of the League.

On December 15, 1920, the first Assembly adopted the following recommendation:

> In the event of Albania, the Baltic and Caucasian States being admitted to the League, the Assembly requests that they should take the necessary measures to enforce the principles of the minorities treaties, and that they should arrange with the Council the details required to carry this object into effect.[1]

The Council on October 2, 1921, passed a report containing the text of the treaty articles and which was intended to serve as a form binding the states concerned.[2] A declaration embodying this report as an engagement of the state toward the League of Nations has been made by each of them following its admission to the League.

[1] *Resolutions of the Assembly . . . 1920*, p. 28.
[2] *Official Journal*, II, p. 1161.

In addition, the same provisions have been incorporated in certain other treaties.

**States Affected.** As a result of the foregoing methods, the minority system was effective as of June, 1925, as follows:

### *A.* Treaties

1. *Austria.* Arts. 62–69 of the treaty of peace with Austria, signed at St. Germain-en-Laye on September 10, 1919. Resolution of Council, October 27, 1920.[1]

2. *Bulgaria.* Arts. 49–57 of the treaty of peace with Bulgaria, signed at Neuilly-sur-Seine on November 27, 1919. Resolution of Council, October 27, 1920.[2]

3. *Czechoslovakia.* Chaps. I and II of treaty of September 10, 1919, between the Principal Allied and Associated Powers and Czechoslovakia. Resolution of Council, November 29, 1920.[3]

4. *Greece.* Arts. 1–16 of the treaty between the Principal Allied Powers and Greece, signed at Sèvres on August 10, 1920, subject to modifications contained in the protocol, signed at Lausanne on July 24, 1923. Resolution of the Council, September 26, 1924.[4]

5. *Hungary.* Arts. 54–60 of the treaty of peace with Hungary, signed at Trianon on June 4, 1920. Resolution of Council, August 30, 1921.[5]

6. *Poland.* Treaty of June 28, 1919, between the Principal Allied and Associated Powers and Poland. Resolution of Council, February 13, 1920.[6]

7. *Rumania.* Treaty of December 9, 1919, between the Principal Allied and Associated Powers and Rumania. Resolution of Council, August 30, 1921.[7]

8. *Serb-Croat-Slovene State.* Treaty of September 10, 1919, between the Principal Allied and Associated Powers and the Serb-Croat-Slovene State. Resolution of Council, November 29, 1920.[8]

9. *Turkey.* Arts. 37–44 of the treaty of peace with Turkey, signed at Lausanne on July 24, 1923. Resolution of the Council, September 26, 1924.[9]

### *B.* Declarations

1. *Albania.* Albanian declaration of October 2, 1921, placed under the guaranty of the League by resolution of the Council of same date.[10] Effective from date of ratification, February 17, 1922.

2. *Esthonia.* Resolution of the Council of September 17, 1923,[11] accepted by Esthonian declaration of same date making certain proposals then accepted by the Council.

3. *Finland.* Guaranties in respect of the population of the Aaland Islands adopted by the Council on June 27, 1921.[12]

4. *Latvia.* Declaration of July 7, 1923, approved by the Latvian Government

[1]*Official Journal,* I, 8, p. 10. [2]*Ibid.,* p. 11. [3]*Ibid.,* p. 81. [4]*Ibid.,* V, p. 1343; *Treaty Series,* XXVIII, p. 243, 221. [5]*Official Journal,* II, p. 1080. [6]*Ibid.,* I, 2, p. 56. [7]*Ibid.,* II, p. 1079; *Treaty Series,* V, p. 336. [8]*Official Journal,* I, 8, p. 83. [9]*Ibid.,* V, p. 1344; *Treaty Series,* XXVIII, p. 11. [10]*Official Journal,* II, p. 1164; *Treaty Series,* IX, p. 174. [11]*Official Journal,* IV, p. 1311. [12]*Ibid.,* II, p. 701–702.

on July 19, 1923. The Council by resolution of September 1, 1923,[1] took note o the Latvian Government's approval of the declaration.

5. *Lithuania.* Lithuanian declaration of May 12, 1922. On December 11, 1923,[2] the Council adopted a resolution, according to which it agreed with the Lithuanian Government to regard this declaration as having come into force and placed it under the guaranty of the League.

### *C.* Conventions

1. *Upper Silesia.* Arts. 64–72 of the convention between Germany and Poland relative to Upper Silesia, concluded at Geneva, May 15, 1922. The exchange of ratifications took place at Oppeln on June 3, 1922.[3]

2. *Lithuania (Memel).* Art. 11 of the Convention relative to Memel Territory and Arts. 26 and 27 of Annex I (Statute of Memel Territory) signed at Paris, May 8, 1924,[4] which came into force, as regards Lithuania, in accordance with the transitory provision of the convention consequent upon ratification by the Lithuanian Government. The instrument of ratification was deposited at Paris, September 27, 1924.

### *D.* Bilateral Treaties

*Free City of Danzig.* By Art. 33 of the convention between Poland and the Free City signed at Paris, November 9, 1920, Danzig undertakes to apply the provisions of the Polish minorities treaty.[5]

*Austria-Czechoslovakia.* The treaty between Austria and Czechoslovakia, signed at Brünn, July 7, 1920, is a reciprocal engagement with regard to citizenship and the protection of minorities. A supplementary protocol was signed at Carlsbad, August 23, 1920.[6]

**Procedure.** The Council on October 27, 1920, passed a resolution and report defining the nature of the guaranties undertaken by the League.[7] A resolution of June 27, 1921, by the Council laid down a series of rules regarding petitions in respect to minority questions.[8] Questions of the method of handling petitions by the Council having been raised, a resolution defining procedure respecting them was adopted on September 5, 1923.[9]

The provisions of the treaties concerning minorities lay down the following principles:

The states signatory to these treaties recognize that the provisions concerning minorities constitute obligations of international concern and are placed under the guaranty of the League;

[1] *Official Journal,* IV, p. 1275. [2] *Ibid.,* V, p. 333; *Treaty Series,* XXII, p. 393.
[3] *Convention germano-polonaise relative à la Haute Silésie faite à Genève le 15 mai, 1922,* p. 35. The treaty articles are in the form of mutual unilateral declarations.
[4] *Treaty Series,* XXIX, p. 85, 95. [5] *Ibid.,* VI, p. 203. [6] *Ibid.,* III, p. 190, 226.
[7] *Minutes of 10th Session of the Council,* p. 143–151; *Official Journal,* I, No. 8, p. 8.
[8] *Official Journal,* II, p. 749. [9] *Ibid.,* IV, p. 1293.

and further that any Member of the Council of the League is entitled to draw the attention of the Council to any infraction or danger of infraction of any of these obligations. Finally, these states recognize that any difference of opinion as to questions of law or fact, arising out of these articles, between the Government concerned and any one of the powers, Members of the Council of the League of Nations, shall be held to be a dispute of an international character and shall be referred, if the other party so demands, to the Permanent Court of International Justice.

The resolutions cited lay down the system of petitions, the conditions under which petitions are to be accepted, and the procedure for the examination of such petitions.

According to this procedure, the minorities themselves and even states not represented on the Council of the League are entitled to draw the attention of the League of Nations to any infraction or danger of infraction of the treaty provisions. But this act must retain the nature of a petition or report pure and simple and can not have the legal effect of putting the matter before the Council. The resolution of September 5, 1923, stipulates that petitions concerning the protection of minorities addressed to the League, in order to conform to the procedure established by the resolutions of the Council,

(*a*) must have in view the protection of minorities in accordance with the treaties;

(*b*) in particular must not be submitted in the form of a request for the severance of political relations between the minority in question and the state of which it forms a part;

(*c*) must not emanate from an anonymous or unauthenticated source;

(*d*) must abstain from violent language;

(*e*) must contain information or refer to facts which have not recently been the subject of a petition submitted to the ordinary procedure.

In case the state concerned should for any reason object to a petition being received, the Secretary-General will submit the question to the President of the Council, who may invite two other members of the Council to assist him in the study of this question. At the request of the state concerned this question of procedure may be put on the agenda of the Council.

The resolution further provides that a prolongation of the delay of two months granted by the resolution of June 27, 1921,

for the remarks of the Government concerned on a petition, may be authorized by the President of the Council at the request of the state concerned and if it appears to be required by the circumstances.

Finally, the resolution defines the functions of the so-called "Committee of Three" set up by the resolution of October 25, 1920. It states that examination by the President and two members of the Council of petitions and remarks on them by the Governments concerned shall be for the sole purpose of determining whether one or more members of the Council should bring to the attention of the Council a case of infraction or danger of infraction of some one of the provisions of the minorities treaties. The right of any member of the Council to bring to the attention of that body any infraction or danger of infraction is preserved intact.

The Fourth Assembly on September 26, 1923, voted the following resolution:

> In accordance with the resolution of the Council dated September 5, 1923, the communication of minorities petitions shall be restricted to the Members of the Council. By virtue of paragraph 5[1] of the Assembly resolution dated September 21, 1922, however, any Government Member of the League can make a request to the Secretariat for petitions (with the observations of the Government concerned) which have been communicated to the Council to be communicated also to the Government.

## Greco-Bulgarian and Greco-Turkish Emigration Commissions

On November 27, 1919, a convention was concluded between Greece and Bulgaria in fulfillment of Art. 56 of the treaty of peace of Neuilly-sur-Seine. The convention regulates the reciprocal and voluntary emigration between Greece and Bulgaria, of racial, religious and linguistic minorities, so that Greeks domiciled in Bulgaria may emigrate to Greece, and Bulgarians domiciled in

[1]The paragraph in question is in the following terms:

"The Secretariat of the League . . . should not only assist the Council in the study of complaints concerning infractions of these treaties, but should also assist the Council in ascertaining in what manner the persons belonging to racial, linguistic or religious minorities fulfil their duties toward their States. The information thus collected might be placed at the disposal of the states Members of the League of Nations if they so desire."

Greece may emigrate to Bulgaria. This convention provides for the formation of a Mixed Commission of four members, one appointed by the Greek Government, one by the Bulgarian Government and two by the Council of the League of Nations.

The members appointed by the Council are Col. A. C. Corfe (New Zealand), and Major Marcel de Roover (Belgium).

The duties of this commission are, generally speaking, to supervise this emigration. It is responsible for the liquidation of the property of persons who are emigrating or have emigrated. It receives from the states concerned the funds required to facilitate emigration, and it advances to the emigrants the value of their real estate. This commission has been at work since December 18, 1920.[1]

On January 30, 1923, a convention was signed at Lausanne concerning the obligatory exchange of Turkish nationals of Greek Orthodox religion on Turkish territory and of Greek nationals of Mussulman religion on Greek territory, with the exception of Greek inhabitants of Constantinople and Mussulman inhabitants of Western Thrace. According to the terms of this convention, a mixed commission has been appointed composed of four Turkish members, four Greek members and three members chosen by the Council of the League from among nationals of powers that did not take part in the war of 1914–1918. The three neutral members were appointed on September 17, 1923,[2] and are as follows:

Erik Einar Eckstrand (Swedish);
General Manrique de Lara (Spanish);
Karl Marius Widding (Danish).

This commission has similar functions to that of the Greco-Bulgarian Mixed Commission.

The resolution of the Council covering the Albanian declaration of October 2, 1921, provides for similar arrangements with countries bordering on Albania for reciprocal and voluntary migration of persons belonging to ethnic minorities, and contemplates adhesion by Albania to the Greco-Bulgarian convention.[3]

Bulgaria and Greece attempted a significant addition to the protection of minorities in proposals signed before the Council

[1] *Official Journal*, I, No. 8, p. 84. [2] *Ibid.*, IV, p. 1312. [3] *Ibid.*, II, p. 1162.

at Geneva, September 29, 1924.[1] Both states are parties to the treaty of peace with Bulgaria signed at Neuilly-sur-Seine, November 17, 1919, Arts. 49–57 of which are the standard clauses dealing with the protection of minorities, as well as the bipartite convention respecting reciprocal emigration. The appointees of the Council to the emigration commission are Colonel Corfe and Major Marcel de Roover, both of whom have won the confidence of the Greek and Bulgarian authorities. The two Governments in separate but identic proposals to the Council agreed that these gentlemen would act as an advisory body for Greek minority questions in Bulgaria and for Bulgarian minority questions in Greece. They were to undertake inquiries on the spot into the needs of persons belonging to the minorities and jointly submit to either Government reports on the measures to be taken. They were to have liberty from each Government to collect any information which might seem to them desirable or helpful. They were to receive petitions from minority persons or groups. Their joint opinions upon such petitions were to be forwarded to the member of the mixed commission representing the Government complained against, who would receive instructions and full powers from his Government to do his best to settle the matter in the proper way.

The protocol stated that "the present scheme will come into force from to-day," September 29, 1924. But the fourth Greek National Assembly rejected it on February 3, 1925,[2] on the ground that it violated national rights. M. Venizelos, as representative of Greece, before the Council on March 14, 1925, stated that M. Politis "did not possess full powers for inserting the last clause" relating to entrance into force. The Council at that time recognized the situation created, but considering itself "under a moral obligation to see that the indirect interests of the Bulgarian Government . . . are not thereby sacrificed," framed a questionnaire respecting minority matters for Greece to answer.[3] An extensive declaration on behalf of Greece on June 10 was regarded as satisfactorily showing that Greece "realized its obligations and was prepared to meet them."

[1] *Treaty Series*, XXIX, p. 117, 123. [2] *Official Journal*, VI, p. 577. [3] *Ibid.*, p. 479.

# II. ADMINISTRATIVE FUNCTIONS

## 1. TERRITORY OF THE SAAR BASIN

By the treaty of peace with Germany the Saar Basin is transferred under various conditions to the control of France "as compensation for the destruction of the coal mines in the north of France and for part payment toward the total reparation due from Germany from the damage resulting from the war." The coal mines in the basin are ceded "to France with full and absolute possession." The government of the basin territory and provisions for a plebiscite at the termination of a period of 15 years are set forth. By Art. 49 of the treaty Germany renounces in favor of the League of Nations, in the capacity of trustee, the government of the territory. It is also provided that "the decisions of the Council of the League of Nations will be taken by a majority" in all matters respecting it. The Saar Basin, with the exception of the mines, will therefore have a League of Nations government until January 10, 1935.

**Governing Commission.** French member, V. Rault (chairman); Saar member, M. Kossman; Major Lambert (Belgian), G. W. Stephens (Canadian), M. Vezensky (Czechoslovak).

**Duties.** General government and administration of the Saar.

All petitions from inhabitants must be transmitted to the Council.

Makes quarterly reports to Council and many special reports, all of which are published in the *Official Journal.*

Reduced French troops available for duty from 7,977 on February 1, 1920, to 2,736 on February 1, 1922, and to 1,816 on February 1, 1924, further reduced on April 25, 1925.

Has established Parliamentary Assembly.

Has established Advisory Council, elected by popular vote on June 25, 1922.

Handles multifarious administrative duties.

**Council Action.** Has ordered establishment of local gendarmerie to replace French troops, so that from 155 on March 31,

1923, the number increased to 755 on March 31, 1925, and will be 1,005 on March 31, 1926.[1]

Is developing self-government in the Saar.

Hears petitions on many subjects.

The plebiscite to be held in 1935 will determine whether henceforth the Saar shall maintain the present régime, unite with France or unite with Germany. "All persons, without distinction of sex, more than 20 years old at the date of the voting, resident in the territory [on June 28, 1919], will have the right to vote."[2] In September, 1922, the Council appointed Alfred Bonzon (Swiss) as provisional records commissioner for the plebiscite, it being the duty of his office to collect and protect the vital records necessary for determining the voting lists at the time of the plebiscite.[3]

[1] *Official Journal*, VI, p. 558.

[2] Art. 50, treaty of Versailles, annex, par. 34.

[3] *Official Journal*, III, p. 1204, 1213.

## 2. FREE CITY OF DANZIG

Par. 1 of Art. 100 of the treaty of peace of Versailles provides that Germany shall renounce in favor of the Principal Allied and Associated Powers all rights and titles over the City and Territory of Danzig. Art. 102 provides that the powers shall establish Danzig and the territory as a Free City to be placed under the protection of the League of Nations. Art. 103 provides that a constitution for the Free City shall be drawn up by duly appointed representatives of the Free City in agreement with a high commissioner to be appointed by the League, and placed under the guaranty of the League. The constitution was approved by the high commissioner on May 11, 1922.[1]

The high commissioner is further intrusted with the duty of dealing in the first instance with all differences arising between Poland and the Free City concerning the treaty of Versailles and any supplementary arrangements or agreements.

Art. 104 provides that a treaty, the terms of which are to be negotiated by the Principal Allied and Associated Powers, shall be concluded between the Polish Government and the Free City in order to assure to Poland the exercise of the rights which she derives from this article within the territory of the Free City. This treaty of November 9, 1920,[2] came into force at the same time as the establishment of the Free City.

**High Commissioner.** Mervyn Sorley Macdonnell.

**Guaranty.** The Council on November 17, 1920, decided in substance:[3]

> That Danzig should be placed under the protection of the League of Nations from the time of its establishment (November 15, 1920); and that Poland appeared particularly fitted to be, if the circumstances required it, intrusted by the League of Nations with the duty of insuring the defense of the Free City.
>
> That the Constitution should be placed under the guaranty of the League of Nations, also from November 15, 1920, but that Danzig should be requested to make certain specified changes in the text of that document.
>
> That no modification contrary to the statute of the Free City should be introduced, without the previous assent of the League, into the Polish-Danzig convention of November 9, 1920, which was noted, in draft form, by the Council.

[1]Text in *Official Journal*, Spec. Sup. No. 7. [2]*Treaty Series*, VI, p. 189.

[3]*Minutes of the 11th Session*, p. 76. The passage cited is paraphrased from the text of the resolution.

**Disarmament.** In accordance with the Council's resolution of November 17, 1920, the following was inserted in the Constitution:

Article 5.—The Free City of Danzig can not, without the previous consent of League of Nations, in each case:

(1) Serve as a military or naval base;
(2) Erect fortifications;
(3) Authorize the manufacture of munitions or war material on its territory.

The former German Government rifle factory in Danzig had been managed by Danzig for the Principal Allied and Associated Powers, the temporary owners. In December, 1920, Danzig requested permission to manufacture 50,000 rifles for Peru. The Council decided that the League could not undertake the responsibility for increasing the stock of arms in the world. The Council later decided that all manufacture of arms, including sporting rifles, must cease immediately, and that the rifle factory must be closed down on July 30, 1921.[1]

**Poland and the Free City.** The two Governments have been able to work out an understanding directly between themselves on most unsettled points. The Polish-Danzig agreement of October 24, 1921, contains 244 articles on many different questions, including naturalization in Danzig, extradition, postal arrangements, regulations for ships, stock exchange transactions, customs, fisheries, export and import trade and food supply for Danzig.[2] Such differences, however, as could not be arranged directly between the two parties have been, in accordance with the treaties, referred to the High Commissioner of the League. Either or both parties could appeal to the Council, and this has been done in most cases. As a rule the appeals against decisions have been withdrawn as a result of further negotiations either directly between the two parties, or through the good offices of the High Commissioner, or under the auspices of the rapporteur to the Council.

Before the Council on December 12, 1924, the High Commissioner mentioned that "for the first time the Council had had nine clear months free of Danzig questions. . . . Appeals were made to the Council on every question by one side or the other,

[1] *Official Journal*, II, p. 676, 968.

[2] *Abkommen vom 24. Oktober 1921*, which is on sale separately.

not only on their merits, but as a matter of tactics. . . . It was obvious from the remarks and feelings of the Council that these methods must be stopped."[1] He asked to submit proposals to reduce the number of appeals, being supported by both the Polish and Danzig representatives. A report was made to the March, 1925, session of the Council[2] and a detailed procedure for the future was adopted in June, 1925. The new procedure maintains the system of direct negotiations between Poland and Danzig, while the High Commissioner may invite one or both to meet to discuss the issue. In the case of technical or legal questions—the majority of those brought up—the High Commissioner is empowered to take the advice of the League's technical organizations or experts before giving his decision. Formerly they were consulted only after an appeal from a decision had reached the Council. It is hoped that the new procedure will result in lessening the number of appeals.

As to foreign relations the commissioner decided on December 17, 1921:[3]

1. That Poland, when called upon by Danzig to conduct any of the foreign relations of the Free City, has the right to refuse the application, if the matter involved is clearly to the detriment of the important interests of the Polish state.

2. That Poland has no right to initiate and impose upon Danzig a definite foreign policy which is clearly opposed to the well-being, prosperity and good government of the Free City. Moreover, it is apparent from the Polish statement of the case that she has no desire to do so.

[1]*Official Journal*, VI, p. 153. [2]*Ibid.*, p. 562.
[3]*Decisions of the High Commissioner*, 1921, p. 72.

# PART IV. OTHER ORGANIZATIONS

## I. PERMANENT COURT OF INTERNATIONAL JUSTICE

**Meetings.** Preliminary session, January 30–March 24, 1922. Opening ceremony, February 15, 1922.
First annual session, June 15–August 12, 1922.
Second (extraordinary) session, January 8–February 7, 1923.
Third (ordinary) session, June 15–September 15, 1923.
Fourth (extraordinary) session, November 12–December 6, 1923.
Fifth (ordinary) session, June 15–September 12, 1924.
Sixth (extraordinary) session, January 12–March 26, 1925.
Seventh (extraordinary) session, April 14–May 16, 1925.
Eighth (ordinary) session, June 15– , 1925.

Origin. The Permanent Court of International Justice realizes a policy which has been advocated by the United States Government for more than 50 years. The American delegations to the Hague Conferences in 1899 and 1907 supported the formation of a court, which, however, failed to come into being. Art. 14 of the Covenant of the League of Nations provides for the establishment of such a court. In fulfillment of this provision the Council of the League on February 13, 1920, appointed an Advisory Committee of Jurists to formulate the scheme of its organization. The membership of this committee was:

Mineichiro ADATCI, envoy extraordinary and minister plenipotentiary of His Majesty the Emperor of Japan, at Brussels;

Rafael ALTAMIRA, senator, professor of the Faculty of Law of the University of Madrid;

Clovis BEVILAQUA, legal adviser to the Ministry of Foreign Affairs of Brazil;

Baron DESCAMPS, senator, Belgian minister of state;

Raoul FERNANDES, Brazilian delegate to the Paris Peace Conference.

Francis HAGERUP, envoy extraordinary

and minister plenipotentiary of His Majesty the King of Norway, at Stockholm;

Albert de LAPRADELLE, professor of the Faculty of Law of the University of Paris;

Bernard C. J. LODER, member of the Supreme Court of the Netherlands;

Baron PHILLIMORE, member of the Privy Council of His Majesty the King of England;

Arturo RICCI-BUSATTI, minister plenipotentiary of His Majesty the King of Italy, legal adviser to the Ministry of Foreign Affairs of Italy;

Elihu ROOT, former Secretary of State of the United States of America.

The draft statute of the Advisory Committee of Jurists was examined by the Council of the League at its meeting July 30–August 4, and the Council decided to communicate the draft scheme for the institution of the Court to the Governments Members of the League. It was studied by the Council at Paris on September 16 and finally approved by it at Brussels on October 20–28.

The draft statute was submitted to the First Assembly of the League at Geneva in November, 1920. The Assembly by a unanimous vote on December 13, 1920, approved the resolution providing that the Statute be appended to a protocol which should be submitted within the shortest possible time to the Members of the League of Nations for ratification. Ratifications were promptly made, and the Second Assembly and Council of the League of Nations on September 14–15, 1921, proceeded to the election of the 11 Judges and the four Deputy Judges of the Court.

STATES ACCEPTING THE COURT PROTOCOL—48

| | | |
|---|---|---|
| Albania | Dominican Republic | Norway |
| Australia | Esthonia | Panama |
| Austria | Finland | Paraguay |
| Belgium | France | Persia |
| Bolivia | Greece | Poland |
| Brazil | Haiti | Portugal |
| British Empire | Hungary | Rumania |
| Bulgaria | India | Salvador |
| Canada | Italy | Serb-Croat-Slovene State |
| Chile | Japan | Siam |
| China | Latvia | South Africa, Union of |
| Colombia | Liberia | Spain |
| Costa Rica | Lithuania | Sweden |
| Cuba | Luxemburg | Switzerland |
| Czechoslovakia | Netherlands | Uruguay |
| Denmark | New Zealand | Venezuela |

### Members Accepting Compulsory Jurisdiction—23

| | | |
|---|---|---|
| Austria | Finland | Norway |
| Brazil | France[1] | Panama |
| Bulgaria | Haiti | Portugal |
| China | Latvia | Salvador |
| Costa Rica | Liberia | Sweden |
| Denmark | Lithuania | Switzerland |
| Dominican Republic | Luxemburg | Uruguay |
| Esthonia | Netherlands | |

### Judges of the Court

*Elected September 14–15, 1921, to serve nine years*

| *Judge* | *National of* | *Born* |
|---|---|---|
| Hans Max Huber, President | Switzerland | 1874 |
| Rafael Altamira y Crevea | Spain | 1866 |
| Charles André Weiss, Vice-President | France | 1858 |
| Dionisio Anzilotti | Italy | 1869 |
| Antonio Sanchez de Bustamante | Cuba | 1865 |
| Robert Bannatyne Viscount Finlay | Great Britain | 1842 |
| Bernard Cornelis Johannes Loder | Netherlands | 1849 |
| John Bassett Moore | United States | 1860 |
| Didrik Galtrup Gjedde Nyholm | Denmark | 1858 |
| Yorozu Oda | Japan | 1868 |
| Epitacio da Silva Pessõa[2] | Brazil | 1865 |

### Deputy Judges

| | | |
|---|---|---|
| Frederik Valdemar Nikolai Beichmann | Norway | 1859 |
| Mikhailo Jovanovich | Serb-Croat-Slovene State | 1853 |
| Demitrie Negulescu | Rumania | 1876 |
| Wang Ch'ung-hui | China | 1882 |

### Special Chambers, 1925

*Summary Procedure.* Loder (President), Weiss and Huber; Finlay and Altamira, substitutes.

*Labor Questions.* Finlay (President), Bustamante, Altamira, Anzilotti and Huber; Nyholm and Moore, substitutes.

*Transit and Communications.* Weiss (President), Pessõa, Nyholm, Moore and Oda; Anzilotti and Huber, substitutes.

Registrar . . . . . Åke Hammarskjöld (Sweden)

[1]Contingent on entrance into force of the protocol for the pacific settlement of international disputes.

[2]Elected September 10, 1923, to succeed Ruy Barbosa (d. March 1, 1923).

## Judgments[1]

| *No.* | *Parties* | *Subject* | *Date rendered* |
|---|---|---|---|
| 1 | Great Britain, France, Italy and Japan; Poland, intervener —Germany | S. S. *Wimbledon;* freedom of Kiel Canal | August 17, 1923 |
| 2 | Greece—Great Britain | Mavrommatis Palestine Concessions | August 30, 1924 |
| 3 | Bulgaria, Greece (summary procedure) | Treaty of Neuilly, Art. 179, Annex, par. 4 (interpretation) | September 12, 1924 |
| 4 | Bulgaria, Greece (summary procedure) | Interpretation of Judgment No. 3 | March 26, 1925 |
| 5 | Greece—Great Britain | Mavrommatis Jerusalem concessions | March 26, 1925 |
| 6 | Germany—Poland | German interests in Polish Upper Silesia | |

## Advisory Opinions

Given at the request of the Council of the League of Nations

| *No.* | *Cases or Statements by* | *Subject* | *Date rendered* |
|---|---|---|---|
| 1 | Great Britain, Netherlands, International Federation of Trades Unions, International Federation of Christian Trades Unions, International Labor Office | Nomination of delegates to the International Labor Conference | July 31, 1922 |
| 2 | Great Britain, France, Hungary, Portugal, International Agricultural Commission, International Labor Office, International Federation of Trades Unions | Agricultural labor and the International Labor Organization | August 12, 1922 |
| 3 | Great Britain, France, Hungary, Portugal, International Agricultural Commission, International Labor Office, International Federation of Trades Unions | Agricultural production and the International Labor Organization | August 12, 1922 |

[1]All documentary publications of the Permanent Court on sale and obtainable from World Peace Foundation, American agent.

| | | | |
|---|---|---|---|
| 4 | France and Great Britain | Nature of dispute about nationality decrees in Tunis and Morocco (French zone) | February 7, 1923 |
| 5 | Finland[1] | Dispute over the autonomy of Eastern Carelia | July 23, 1923 |
| 6 | Germany and Poland | Protection of German settlers in Poland | September 10, 1923 |
| 7 | Germany and Poland | Acquisition of Polish nationality by German settlers | September 15, 1923 |
| 8 | Czechoslovakia and Poland | Jaworzina boundary | December 6, 1923 |
| 9 | Albania, Greece and Serb-Croat-Slovene State | Saint-Naoum Monastery (Albanian frontier) | September 4, 1924 |
| 10 | Greece and Turkey[2] | Exchange of Greek and Turkish populations | February 21, 1925 |
| 11 | Poland and the Free City of Danzig | Polish postal boxes in Danzig | May 16, 1925 |

## Proposal for Action by United States

The President of the United States on February 24, 1923, transmitted to the Senate a message in which he sought the advice and consent of that body to ratification of the protocol and Statute under special conditions. A resolution embodying conditions of acceptance by the United States is to be considered by the Senate beginning December 17, 1925.

[1]Russia declined to present any case or statement.

[2]On February 11, 1925, Greece appealed to the Council of the League of Nations respecting the Turkish intention to include the Œcumenical Patriarch of Constantinople among the Greeks to be expelled under the treaty for the exchange of populations. The Council on March 14 requested the Court for an advisory opinion as to whether the dispute were within its competence. Greco-Turkish negotiations were resumed and on June 1, 1925, the League was informed that Turkey had informed the Greek Government "that it had definitely withdrawn the documents relative to the exchangeability of members of the Holy Synod. The question having thus been settled and the Œcumenical Patriarch having moreover abdicated, the Holy Synod will proceed to the election of a new patriarch." The question on which the Court had been asked to give an advisory opinion consequently no longer existed.

## II. INTERNATIONAL LABOR ORGANIZATION

**Constituent Statute.** Part XIII of the treaty of Versailles with Germany; Part XIII of the treaty of St. Germain-en-Laye with Austria; Part XII of the treaty of Neuilly-sur-Seine with Bulgaria; Part XIII of the treaty of Trianon with Hungary.

**Members.** "The original Members of the League of Nations shall be the original Members of this organization, and hereafter membership of the League of Nations shall carry with it membership of the said organization." Art. 387, treaty of Versailles.

MEMBERS OF THE ORGANIZATION—58

| | | |
|---|---|---|
| Abyssinia | Finland | Nicaragua |
| Albania | France | Norway |
| Argentine | Germany | Panama |
| Australia | Great Britain | Paraguay |
| Austria | Greece | Persia |
| Belgium | Guatemala | Peru |
| Bolivia | Haiti | Poland |
| Brazil | Hejaz | Portugal |
| Bulgaria | Honduras | Rumania |
| Canada | Hungary | Salvador |
| Chile | India | Serb-Croat-Slovene State |
| China | Irish Free State | Siam |
| Colombia | Italy | South Africa |
| Costa Rica | Japan | Spain |
| Cuba | Latvia | Sweden |
| Czechoslovakia | Liberia | Switzerland |
| Denmark | Lithuania | Uruguay |
| Dominican Republic | Luxemburg | Venezuela |
| Ecuador | Netherlands | |
| Esthonia | New Zealand | |

**Organs.** "The permanent organization shall consist of:

"1. a General Conference of representatives of the Members and

"2. an International Labor Office controlled by the Governing Body."

GENERAL CONFERENCE

Held at least once in every year.

Composed of four representatives of each of the Members, of whom two shall be government delegates and the two others shall

be delegates representing respectively the employers and the work-people of each of the Members.

Each delegate shall be entitled to vote individually on all matters.

Agenda determined by the Governing Body subject to recommendation and modification by the Conference.

Produces recommendations to be submitted to the Members for consideration, and draft conventions to be submitted to the Members for ratification.

**Sessions.**
1. Washington, October 29–November 29, 1919.
2. Genoa, June 15–July 10, 1920.
3. Geneva, October 25–November 19, 1921.
4. Geneva, October 18–November 3, 1922.
5. Geneva, October 22–29, 1923.
6. Geneva, June 16–July 5, 1924.
7. Geneva, May 14–June 10, 1925.

**Conventions.**
(a) Conventions ratified;
(b) Approval by the "competent authority";
(c) Ratification proposed;
(d) States which have supplied information of other measures taken.

1919. 1. Limiting the hours of work in industrial undertakings to eight in the day and forty-eight in the week.
- (a) Austria, Bulgaria, Czechoslovakia, Greece, India, Italy, Rumania.
- (b) Latvia.
- (c) Argentina, Belgium, Brazil, Chile, Denmark, Esthonia, France, Germany, Lithuania, Netherlands, Poland, Spain.
- (d) Australia, China, Guatemala, Luxemburg, Nicaragua, Panama, Salvador, Serb-Croat-Slovene State, Sweden, Uruguay.

2. Concerning unemployment.
- (a) Austria, Bulgaria, Denmark, Esthonia, Finland, Germany, Great Britain, Greece, India, Italy, Japan, Norway, Poland, Rumania, South Africa, Spain, Sweden, Switzerland.
- (b) France, Hungary, Irish Free State.
- (c) Argentina, Belgium, Brazil, Chile, Czechoslovakia, Latvia, Lithuania, Netherlands.
- (d) Australia, Guatemala, Luxemburg, Nicaragua, Panama, Salvador, Serb-Croat-Slovene State, Uruguay.

3. Concerning the employment of women before and after childbirth.
- (a) Bulgaria, Greece, Rumania, Spain.
- (b) Hungary, Italy, Latvia.

(c) Argentina, Belgium, Brazil, Chile, Cuba, Czechoslovakia, Denmark, France, Lithuania, Netherlands, Poland.
(d) Australia, Austria, China, Esthonia, Guatemala, India, Japan, Luxemburg, Nicaragua, Norway, Panama, Portugal, Salvador, Serb-Croat-Slovene State, Uruguay.

4. Concerning the employment of women at night.
(a) Austria, Belgium, Bulgaria, Czechoslovakia, Esthonia, France, Great Britain, Greece, India, Italy, Netherlands, Rumania, South Africa, Switzerland.
(b) Hungary, Irish Free State.
(c) Argentina, Brazil, Chile, Denmark, Germany, Latvia, Lithuania, Spain.
(d) Australia, Bolivia, Guatemala, Japan, Luxemburg, Nicaragua, Panama, Poland, Portugal, Salvador, Serb-Croat-Slovene State, Uruguay.

5. Fixing the minimum age for admission of children to industrial employment.
(a) Belgium, Bulgaria, Czechoslovakia, Denmark, Esthonia, Great Britain, Greece, Poland, Rumania, Switzerland.
(b) Finland, Irish Free State, Japan, Latvia, Netherlands.
(c) Argentina, Brazil, Chile, Cuba, France, Germany, Italy, Lithuania, Spain, Sweden.
(d) Australia, China, Guatemala, India, Luxemburg, Nicaragua, Norway, Panama, Portugal, Salvador, Serb-Croat-Slovene State, Uruguay.

6. Concerning the night work of young persons employed in industry.
(a) Austria, Belgium, Bulgaria, Denmark, Esthonia, Great Britain, Greece, India, Italy, Netherlands, Poland, Rumania, Switzerland.
(b) Finland, France, Hungary, Irish Free State, Latvia.
(c) Argentina, Brazil, Chile, Cuba, Czechoslovakia, Lithuania, Spain.
(d) Australia, Bolivia, China, Japan, Guatemala, Luxemburg, Nicaragua, Panama, Portugal, Salvador, Serb-Croat-Slovene State, Uruguay.

1920. 7. Fixing the minimum age for admission of children to employment at sea.
(a) Belgium, Bulgaria, Denmark, Esthonia, Great Britain, Japan, Netherlands, Poland, Rumania, Spain, Sweden.
(b) Finland, Hungary, Irish Free State.
(c) Argentina, Australia, Canada, Chile, Cuba, Germany, Italy, Latvia, Lithuania.
(d) Australia, Czechoslovakia, France, Greece, Haiti, Luxemburg, Serb-Croat-Slovene State, South Africa.

8. Concerning unemployment indemnity in case of loss or foundering of the ship.
(a) Belgium, Bulgaria, Esthonia, Italy, Poland, Spain.
(b) Netherlands.

(c) Argentina, Australia, Canada, Chile, Cuba, Denmark, France, Germany, Latvia, Lithuania.
(d) Czechoslovakia, Greece, Haiti, Luxemburg, Serb-Croat-Slovene State, South Africa.

9. Concerning employment for seamen.
(a) Belgium, Bulgaria, Esthonia, Finland, Germany, Italy, Japan, Norway, Poland, Sweden.
(b) Netherlands.
(c) Argentina, Australia, Chile, Cuba, Denmark, France, Great Britain, Latvia, Lithuania, Spain.
(d) Czechoslovakia, Greece, Haiti, Luxemburg, Serb-Croat-Slovene State, South Africa.

1921. 10. Concerning the age of admission of children to employment in agriculture.
(a) Austria, Bulgaria, Czechoslovakia, Esthonia, Irish Free State, Italy, Japan, Poland, Sweden.
(b) Hungary, Latvia.
(c) Argentina, Chile, Denmark, Germany, Spain.
(d) Albania, Australia, Lithuania, Serb-Croat-Slovene State.

11. Concerning the rights of association and combination of agricultural workers.
(a) Austria, Bulgaria, Czechoslovakia, Esthonia, Finland, Germany, Great Britain, India, Irish Free State, Italy, Latvia, Poland, Sweden.
(b) Argentina, Chile, Denmark, Netherlands, Spain.
(c) Albania, Australia, Lithuania, Serb-Croat-Slovene State.

12. Concerning workmen's compensation in agriculture.
(a) Bulgaria, Denmark, Esthonia, Germany, Great Britain, Irish Free State, Poland, Sweden.
(b) Hungary.
(c) Argentina, Chile, Italy, Netherlands, Spain.
(d) Albania, Australia, Czechoslovakia, Latvia, Lithuania, Serb-Croat-Slovene State.

13. Concerning the use of white lead in painting.
(a) Austria, Bulgaria, Czechoslovakia, Esthonia, Latvia, Poland, Spain, Sweden.
(b) Greece, Hungary, Rumania.
(c) Argentina, Chile, Cuba, Denmark, France, Germany, Italy, Netherlands, Rumania.
(d) Albania, Australia, Belgium, Lithuania, Serb-Croat-Slovene State.

14. Concerning the application of the weekly rest in industrial undertakings.
(a) Bulgaria, Czechoslovakia, Esthonia, Finland, India, Italy, Latvia, Poland, Rumania, Spain.
(b) Greece, Hungary.
(c) Argentina, Belgium, Chile, Cuba, Denmark, France, Germany, Netherlands, Switzerland.

(d) Albania, Australia, France, Lithuania, Serb-Croat-Slovene State.

15. Fixing the minimum age for the admission of young persons to employment as trimmers and stokers.
    (a) Bulgaria, Denmark, Esthonia, India, Italy, Latvia, Poland, Rumania, Spain.
    (b) Hungary, Sweden.
    (c) Argentina, Canada, Chile, France, Germany, Great Britain, Netherlands.
    (d) Albania, Australia, Czechoslovakia, Lithuania, Serb-Croat-Slovene State.
16. Concerning the compulsory medical examination of children and young persons employed at sea.
    (a) Bulgaria, Esthonia, India, Italy, Japan, Latvia, Poland, Rumania, Spain.
    (b) Hungary, Sweden.
    (c) Argentina, Canada, Chile, Cuba, Denmark, France, Germany, Great Britain, Netherlands.
    (d) Albania, Australia, Czechoslovakia, Lithuania, Serb-Croat-Slovene State.

1925. 17. Concerning equality of treatment for national and foreign workers as regards workmen's compensation for accidents.
18. Concerning night work in bakeries.
19. Concerning workmen's compensation for accidents.
20. Concerning compensation for occupational diseases.

## Recommendations.

1919. 1. Concerning unemployment.
2. Concerning reciprocity of treatment of foreign workers.
3. Concerning the prevention of anthrax.
4. Concerning the protection of women and children against lead poisoning.
5. Concerning the establishment of government health services.
6. Concerning the application of the Bern convention of 1906 on the prohibition of the use of white phosphorus in the manufacture of matches.

1920. 7. Concerning the limitation of hours of work in the fishing industry.
8. Concerning the limitation of hours of work in inland navigation.
9. Concerning the unemployment insurance for seamen.
10. Concerning the establishment of national seamen's codes.

1921. 11. Concerning night work of children and young persons in agriculture.
12. Concerning night work of women in agriculture.
13. Concerning the social insurance in agriculture.
14. Concerning the application of the weekly rest in commercial establishments.
15. Concerning the development of technical agricultural education.
16. Concerning the prevention of unemployment in agriculture.

17. Concerning the protection, before and after childbirth, of women wage-earners in agriculture.
18. Concerning living-in conditions of agricultural workers.

1922. 19. Concerning communication to the International Labor Office of statistical and other information regarding emigration, immigration and the repatriation and transit of emigrants.

1923. 20. Concerning the general principles for the organization of systems of inspection to secure the enforcement of the laws and regulations for the protection of the workers.

1924. 21. Concerning the development of facilities for the utilization of workers' spare time.

1925. 22. Concerning equality of treatment for national and foreign workers as regards workmen's compensation for accidents.
23. Concerning a minimum scale of workmen's compensation.
24. Concerning jurisdiction in disputes relating to workmen's compensation.
25. Concerning compensation for occupational diseases.

## Governing Body

Consists of 24 persons of whom 12 represent the Governments. Of the other half, 6 are elected by the delegates to the conference representing the employers and 6 by the delegates representing the workers. Of the 12 government representatives, 8 are nominated by the Members of chief industrial importance; namely, Belgium, Canada, France, Germany, Great Britain, India, Italy and Japan. The other four elected by the conference on June 4, 1925, are: Argentina, Norway, Poland and Spain.

The Governing Body, whose members serve for three years, is composed as follows:[1]

*Governments Represented:*
Argentina, Belgium, Canada, France, Germany, Great Britain, India, Italy, Japan, Norway, Poland, Spain.

*Employers' representatives:*
Sir James Lithgow (British);
Mr. Pinot (French);
Mr. Olivetti (Italian);
Mr. Carlier (Belgian);
Fr. Hodacz (Czechoslovak);
Mr. Gemmill (South African).

*Workers' representatives:*
Léon Jouhaux (French);
Mr. Poulton (British);
Mr. Moore (Canadian);
Mr. Muller (German);
J. Oudegeest (Dutch);
Mr. Thorberg (Swedish).

**Meetings.**
1. Washington, November 27–28, 1919.
2. Paris, January 26–28, 1920.
3. London, March 22–25, 1920.

[1] *Industrial and Labour Information*, vol. XIV, No. 10, p. 40.

4. Genoa, June 8–9, 1920.
5. Geneva, October 5–7, 1920.
6. Geneva, January 11–15, 1921.
7. Geneva, April 12–14, 1921.
8. Stockholm, July 5–7, 1921.
9. Geneva, October 19–21, 1921.
10. Geneva, November 11–18, 1921.
11. Geneva, January 17–19, 1922.
12. Rome, April 4–7, 1922.
13. Interlaken, July 25–27, 1922.
14. Geneva, October 12–14, 1922.
15. Geneva, October 31, 1922.
16. Geneva, October 31, 1922.
17. Geneva, January 30–February 2, 1923.
18. Geneva, April 10–13, 1923.
19. Geneva, June 12–13, 1923.
20. Geneva, October 15–18, 1923.
21. Geneva, January 29–31, 1924.
22. Geneva, April 8–10, 1924.
23. Geneva, June 12–13, 1924.
24. Geneva, October 9–11, 1924.
25. Geneva, January 8–10, 1925.
26. Geneva, April 2–4, 1925.
27. Geneva, May 14–18, 1925.
28. Geneva, June 9, 1925.

## International Labor Office

Established at Geneva "as part of the organization of the League," although independent of the League Secretariat as respects policy and administration.

Has director, deputy-director and staff of 317 persons, including women, representing 28 nationalities.

Carries out duties in connection with international disputes.

Edits and publishes several periodicals and numerous reports dealing with problems of industry and employment of international interest.

Collects and distributes information on all subjects relating to the international adjustment of conditions of industrial life and labor.

The schedule of personnel organization follows:

I. Directorate.

*Director* . . . . . Albert Thomas (French).
*Deputy-Director* . . . . . Harold Beresford Butler (British).
*Liaison with Organizations of the League of Nations* . . . . . William Martin (Swiss).
*Chief of Cabinet* . . . . . N. Viple (French).

II. Administrative Section—Georges Fleury (French), Chief of Section.
The Central Services consist of Registry, Dispatch, Accounts and Similar branches.

III. Editorial and Translation Services—Pierre Waelbroeck (Belgian), Chief of Service.

IV. Diplomatic Division—Edward J. Phelan (Irish), Chief of Division.
*General Correspondence Section* . . . . Camille Pône (French), Chief of Section.
*Conventions Section* . . . . . H. A. Grimshaw (British), Chief of Section.
*Legal Section* . . . . . M. Guerreau (French), Legal Adviser.
*Migration Service* . . . . . Prof. Louis Varlez (Belgian), Technical Adviser.

V. Research Division—Fernand Maurette (French), Acting Chief of Division.
*Statistical Section* . . . . . Karl Pribram (Austrian), Chief of Section.
*Labor Legislation Section* . . . . . R. Fuhs (German), Chief of Service.
*General Questions* . . . . . Z. Skokowski (Polish), Member of Section in charge.
*Unemployment Service* . . . . . Edgar Milhaud (French), Chief of Service.
*Industrial Health and Safety Service* . . Prof. Luigi Carozzi (Italian), Technical Adviser.
*Social Insurance and Disablement Service* . . . . . A. Tixier, Chief of Section.
*Agricultural Service* . . . . . Miss L. E. Matthaei, Member in charge.

VI. Intelligence and Liaison Division—G. E. di Palma Castiglione (Italian), Chief of Division.
*International Information and Liaison Section* . . . . . G. A. Johnston (British), Chief of Section.
*Library* . . . . . André de Maday (Hungarian), Librarian.
*Documents* . . . . . Miss M. Schappler (French), Chief of Service.
*International Employers' Organizations* . . . . . Paul Devinat (French), Chief of Service.
*International Workers' Organizations* . . . . . J. J. de Roode (Dutch), Chief of Service.
*Cooperation Organizations* . . . . G. Fauquet (French), Chief of Service.
*National Information and Liaison Section* . . . . . G. Gallone (Italian), Acting Chief of Section.

NATIONAL CORRESPONDENTS.

| | *Office in* |
|---|---|
| W. Donau, *Director* | Berlin |
| M. R. K. Burge, *Director* | London |
| Mario Roques, *Director* | Paris |
| Angelo Cabrini, *Director* | Rome |
| Z. Asari, *Director* | Tokyo |
| Leifur Magnusson, *Director* | Washington |

**Publications.** The publications of the International Labor Office, which are very extensive, consist of the following series:

I. *International Labour Review.* Monthly since January, 1921.

II. *Official Bulletin.* Weekly since September 8, 1920.

III. *Industrial and Labour Information.* Weekly since November 15, 1920.

IV. *Legislative Series.* Publication of labor laws of all countries from 1919 on.

V. *Special Reports.* Occasional extensive studies on such subjects as *Labour Conditions in Soviet Russia, International Seamen's Code, The Mining Industry in the Ruhr, Factory Inspection, etc.*

VI. *Studies and Reports.* An extensive list of special articles published in the following series: A, Industrial Relations; B, Economic Conditions; C, Employment and Unemployment; D, Wages and Hours; E, Workmen's Compensation; Rehabilitation; F, Industrial Hygiene, Accidents and Safety; G, Housing; H, Cooperation; I, Protection of Women and Children; J, Education; K, Agriculture; L, Professional Workers; M, Social Insurance; N, Statistics;

VII. *International Labour Directory.* An annual reference work.

VIII. *Documents of the International Labour Conference.* Questionnaires, reports, documents and proceedings of the annual conference.

IX. *Bibliography of Industrial Hygiene.*

X. *Encyclopedia of Industrial Hygiene.*

XI. *Monthly Record of Migration.*

Complete catalogue on request to World Peace Foundation (sales agent in the United States), 40 Mt. Vernon St., Boston.

# APPENDIX I

## COVENANT OF THE LEAGUE OF NATIONS

### With amendments in force August 1, 1925

THE HIGH CONTRACTING PARTIES

In order to promote international cooperation and to achieve international peace and security

by the acceptance of obligations not to resort to war,

by the prescription of open, just and honorable relations between nations,

by the firm establishment of the understandings of international law as the actual rule of conduct among Governments, and

by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, Agree to this Covenant of the League of Nations.

ARTICLE 1

*Membership and Withdrawal*

The original Members of the League of Nations shall be those of the Signatories which are named in the Annex to this Covenant, and also such of those other States named in the Annex as shall accede without reservation to this Covenant. Such accessions shall be effected by a declaration deposited with the Secretariat within two months of the coming into force of the Covenant. Notice thereof shall be sent to all other Members of the League.

Any fully self-governing State, Dominion or Colony not named in the Annex may become a Member of the League if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effective guaranties of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military, naval and air forces and armaments.

Any Member of the League may, after two years' notice of its intention so to do, withdraw from the League, provided that all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal.

### Article 2

*Executive Organs*

The action of the League under this Covenant shall be effected through the instrumentality of an Assembly and of a Council, with a permanent Secretariat.

### Article 3

*Assembly*

The Assembly shall consist of representatives of the Members of the League.

The Assembly shall meet at stated intervals and from time to time, as occasion may require, at the Seat of the League, or at such other place as may be decided upon.

The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

At meetings of the Assembly each Member of the League shall have one vote and may have not more than three Representatives.

### Article 4

*Council*

The Council shall consist of representatives of the Principal Allied and Associated Powers [United States of America, the British Empire, France, Italy and Japan], together with Representatives of four[1] other Members of the League. These four Members of the League shall be selected by the Assembly from time to time in its discretion. Until the appointment of the Representatives of the four Members of the League first selected by the Assembly, Representatives of Belgium, Brazil, Greece and Spain shall be Members of the Council.

With the approval of the majority of the Assembly, the Council may name additional Members of the League, whose Representatives shall always be Members of the Council; the Council with like approval may increase the number of Members of the League to be selected by the Assembly[1] for representation on the Council.[2]

The Council shall meet from time to time as occasion may require, and at least once a year, at the Seat of the League, or at such other place as may be decided upon.

[1]At the request of the Council, the Assembly on September 25, 1922, approved "the decision of the Council to increase the number of Members of the League chosen by the Assembly for representation on the Council from four to six." The decision was effective immediately.

[2]The Assembly voted in favor of the following amendment, forming a third paragraph, in 1921, and the Members are now deciding upon its ratification:

"*The Assembly shall fix by a two-thirds majority the rules dealing with the election of the nonpermanent Members of the Council, and particularly such regulations as relate to their term of office and the conditions of re-eligibility.*"

The Council may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

Any Member of the League not represented on the Council shall be invited to send a Representative to sit as a Member at any meeting of the Council during the consideration of matters specially affecting the interests of that Member of the League.

At meetings of the Council, each Member of the League represented on the Council shall have one vote, and may have not more than one Representative.

### Article 5

*Voting and Procedure*

Except where otherwise expressly provided in this Covenant, or by the terms of the present Treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented at the meeting.

All matters of procedure at meetings of the Assembly or of the Council, including the appointment of Committees to investigate particular matters, shall be regulated by the Assembly or by the Council and may be decided by a majority of the Members of the League represented at the meeting.

The first meeting of the Assembly and the first meeting of the Council shall be summoned by the President of the United States of America.

### Article 6

*Secretariat and Expenses*

The permanent Secretariat shall be established at the Seat of the League. The Secretariat shall comprise a Secretary-General and such secretaries and staff as may be required.

The first Secretary-General shall be the person named in the Annex; thereafter the Secretary-General shall be appointed by the Council with the approval of the majority of the Assembly.

The secretaries and the staff of the Secretariat shall be appointed by the Secretary-General with the approval of the Council.

The Secretary-General shall act in that capacity at all meetings of the Assembly and of the Council.

*The expenses of the League shall be borne by the Members of the League in the proportion decided by the Assembly.*[1]

[1]This paragraph came into force as an amendment on August 13, 1924, in accordance with Art. 26. The original provision was as follows:

"The expenses of the Secretariat shall be borne by the Members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union."

## Article 7

*Seat, Qualifications of Officials, Immunities*

The Seat of the League is established at Geneva.

The Council may at any time decide that the Seat of the League shall be established elsewhere.

All positions under or in connection with the League, including the Secretariat, shall be open equally to men and women.

Representatives of the Members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities.

The buildings and other property occupied by the League or its officials or by Representatives attending its meetings shall be inviolable.

## Article 8

*Reduction of Armaments*

The Members of the League recognize that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

Such plans shall be subject to reconsideration and revision at least every 10 years.

After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.

The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval and air programs, and the condition of such of their industries as are adaptable to warlike purposes.

### Article 9

*Permanent Military, Naval and Air Commission*

A permanent Commission shall be constituted to advise the Council on the execution of the provisions of Articles 1 and 8 and on military, naval and air questions generally.

### Article 10

*Guaranties Against Aggression*

The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression, the Council shall advise upon the means by which this obligation shall be fulfilled.

### Article 11

*Action in Case of War or Threat of War*

Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise, the Secretary-General shall, on the request of any Member of the League, forthwith summon a meeting of the Council.

It is also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

### Article 12[1]

*Disputes to Be Submitted for Settlement*

The Members of the League agree that, if there should arise between them any dispute likely to lead to a rupture they will submit the matter

[1]The text as printed came into force as an amendment on September 26, 1924, in accordance with Art. 26. The original text was as follows:

"The Members of the League agree that, if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council.

"In any case under this Article the award of the arbitrators shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute."

either to arbitration *or judicial settlement* or to inquiry by the Council and they agree in no case to resort to war until three months after the award by the arbitrators *or the judicial decision*, or the report by the Council.

In any case under this Article, the award of the arbitrators *or the judicial decision* shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

### Article 13[1]

*Arbitration or Judicial Settlement*

The Members of the League agree that, whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration *or judicial settlement*, and which can not be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration *or judicial settlement.*

Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which, if established, would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration *or judicial settlement.*

*For the consideration of any such dispute, the court to which the case is referred shall be the Permanent Court of International Justice, established in accordance with Article 14, or any tribunal agreed on by the parties to the dispute or stipulated in any convention existing between them.*

The Members of the League agree that they will carry out in full good

[1]The text as printed came into force as an amendment on September 26, 1924, in accordance with Art. 26. The original text was as follows:

"The Members of the League agree that, whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration and which can not be satisfactorily settled by diplomacy, they will submit the whole subject matter to arbitration.

"Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration.

"For the consideration of any such dispute the court of arbitration to which the case is referred shall be the court agreed on by the parties to the dispute or stipulated in any convention existing between them.

"The Members of the League agree that they will carry out in full good faith any award that may be rendered and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award, the Council shall propose what steps should be taken to give effect thereto."

faith any award *or decision* that may be rendered, and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award *or decision*, the Council shall propose what steps should be taken to give effect thereto.

### Article 14[1]

*Permanent Court of International Justice*

The Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.

### Article 15

*Disputes Not Submitted to Arbitration or Judicial Settlement*

[2]If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration or *judicial settlement* in accordance with Article 13, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary-General, who will make all necessary arrangements for a full investigation and consideration thereof.

[1]The first sentence of this article has been fulfilled. The Council on February 13, 1920, appointed an Advisory Committee of Jurists to report a scheme to it. The draft Statute, prepared by the Committee June 16–July 24, 1920, was revised and finally approved by the Council on October 28. It was then submitted to the First Assembly for consideration of representatives of Members of the League. The plan, called a Statute, is attached to a protocol of signature of December 16, 1920, the ratification of which constitutes adoption of the plan by Members of the League and other states.

The stipulations of the second sentence are carried out by Article 36 of the Statute. Cognizance is taken of the third sentence in Articles 71–74 of the Rules of Court.

[2]The text of the first paragraph as printed came into force as an amendment on September 26, 1924, in accordance with Art. 26. The original text was as follows:

"If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration in accordance with Article 13, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary-General, who will make all necessary arrangements for a full investigation and consideration thereof."

For this purpose the parties to the dispute will communicate to the Secretary-General, as promptly as possible, statements of their case, with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

The Council shall endeavor to effect a settlement of the dispute and, if such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the Council may deem appropriate.

If the dispute is not thus settled, the Council, either unanimously or by a majority vote, shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

Any Member of the League represented on the Council may make public a statement of the facts of the dispute and of its conclusions regarding the same.

If a report by the Council is unanimously agreed to by the Members thereof other than the Representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the Representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

If the dispute between the parties is claimed by one of them, and is found by the Council, to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report, and shall make no recommendation as to its settlement.

The Council may in any case under this Article refer the dispute to the Assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within 14 days after the submission of the dispute to the Council.

In any case referred to the Assembly, all the provisions of this Article and of Article 12 relating to the action and powers of the Council shall apply to the action and powers of the Assembly, provided that a report made by the Assembly, if concurred in by the Representatives of those Members of the League represented on the Council and of a majority of the other Members of the League, exclusive in each case of the Representatives of the parties to the dispute, shall have the same force as a report by the Council concurred in by all the members thereof other than the Representatives of one or more of the parties to the dispute.

## Article 16

### *Sanctions of Pacific Settlement*

[1]Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13 or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military, naval or air

[1]The Assembly has voted in favor of the following amendments to Art. 16, to replace paragraph one, and the Members are now deciding upon their ratification:

"Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13 or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, *which hereby undertake immediately to subject it to the severance of all trade or financial relations and to prohibit all intercourse at least between persons resident within their territories and persons resident within the territory of the covenant-breaking State and, if they deem it expedient, also between their nationals and the nationals of the covenant-breaking State, and to prevent all financial, commercial or personal intercourse at least between persons resident within the territory of that State and persons resident within the territory of any other State, whether a Member of the League or not, and, if they deem it expedient, also between the nationals of that State and the nationals of any other State whether a Member of the League or not.*"

[N.B.—The above amendment was voted by the Fifth Assembly on September 27, 1924, to supersede an amendment voted by the Second Assembly and which was being ratified in the following form: " . . . *which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between persons residing in their territory and persons residing in the territory of the covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between persons residing in the territory of the covenant-breaking State and persons residing in the territory of any other State, whether a Member of the League or not.*"]

"*It is for the Council to give an opinion whether or not a breach of the Covenant has taken place. In deliberations on this question in the Council, the votes of Members of the League alleged to have resorted to war and of Members against whom such action was directed shall not be counted.*

"*The Council will notify to all Members of the League the date which it recommends for the application of the economic pressure under this Article.*

"*Nevertheless, the Council may, in the case of particular Members, postpone the coming into force of any of these measures for a specified period where it is satisfied that such a postponement will facilitate the attainment of the object of the measures referred to in the preceding paragraph, or that it is necessary in order to minimize the loss and inconvenience which will be caused to such Members.*"

force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article, in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are cooperating to protect the covenants of the League.

Any Member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a vote of the Council concurred in by the Representatives of all the other Members of the League represented thereon.

### Article 17

*Disputes Involving Nonmembers*

In the event of a dispute between a Member of the League and a State which is not a Member of the League, or between States not Members of the League, the State or States not Members of the League shall be invited to accept the obligations of Membership in the League for the purposes of such dispute, upon such conditions as the Council may deem just. If such invitation is accepted, the provisions of Articles 12 to 16, inclusive, shall be applied with such modifications as may be deemed necessary by the Council.

Upon such invitation being given, the Council shall immediately institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances.

If a State so invited shall refuse to accept the obligations of Membership in the League for the purposes of such dispute, and shall resort to war against a Member of the League, the provisions of Article 16 shall be applicable as against the State taking such action.

If both parties to the dispute, when so invited, refuse to accept the obligations of Membership in the League for the purposes of such dispute, the Council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

### Article 18

*Registration and Publication of Treaties*

Every treaty or international engagement entered into hereafter by any Member of the League shall be forthwith registered with the Sec-

retariat and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered.

### Article 19

*Review of Treaties*

The Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable, and the consideration of international conditions whose continuance might endanger the peace of the world.

### Article 20

*Abrogation of Inconsistent Obligations*

The Members of the League severally agree that this Covenant is accepted as abrogating all obligations or understandings *inter se* which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

In case any Member of the League shall, before becoming a Member of the League, have undertaken any obligation inconsistent with the terms of this Covenant, it shall be the duty of such Member to take immediate steps to procure its release from such obligations.

### Article 21

*Engagements that Remain Valid*

Nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine, for securing the maintenance of peace.

### Article 22

*Mandatory System*

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development

of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in this Covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be intrusted to advanced nations who, by reason of their resources, their experience or their geographical position, can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave tradc, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defense of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

There are territories, such as Southwest Africa and certain of the South Pacific islands, which, owing to the sparseness of their population or their small size, or their remoteness from the centers of civilization, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

The degree of authority, control or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories, and to advise the Council on all matters relating to the observance of the mandates.

### Article 23

*Social and Other Activities*

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League:

(*a*) will endeavor to secure and maintain fair and humane conditions of labor for men, women, and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organizations;

(*b*) undertake to secure just treatment of the native inhabitants of territories under their control;

(*c*) will intrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children and the traffic in opium and other dangerous drugs;

(*d*) will intrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest;

(*e*) will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League. In this connection, the special necessities of the regions devastated during the war of 1914–1918 shall be borne in mind;

(*f*) will endeavor to take steps in matters of international concern for the prevention and control of disease.

### Article 24

*International Bureaus*

There shall be placed under the direction of the League all international bureaus already established by general treaties, if the parties to such treaties consent. All such international bureaus and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League.

In all matters of international interest which are regulated by general conventions but which are not placed under the control of international bureaus or commissions, the Secretariat of the League shall, subject to the consent of the Council and if desired by the parties, collect and distribute all relevant information and shall render any other assistance which may be necessary or desirable.

The Council may include as part of the expenses of the Secretariat the expenses of any bureau or commission which is placed under the direction of the League.

### Article 25

*Promotion of Red Cross and Health*

The Members of the League agree to encourage and promote the establishment and cooperation of duly authorized voluntary national Red Cross organizations having as purposes the improvement of health, the prevention of disease and the mitigation of suffering throughout the world.

### Article 26[1]

*Amendments*

Amendments to this Covenant will take effect when ratified by the Members of the League whose Representatives compose the Council and by a majority of the Members of the League whose Representatives compose the Assembly.

No such amendment shall bind any Member of the League which signifies its dissent therefrom, but in that case it shall cease to be a Member of the League.

[1]The Assembly voted in favor of the following amendments to replace Art. 26, in 1921, and the Members are now deciding upon its ratification:

"*Amendments to the present Covenant the text of which shall have been voted by the Assembly on a three-fourths majority, in which there shall be included the votes of all the Members of the Council represented at the meeting, will take effect when ratified by the Members of the League whose Representatives composed the Council when the vote was taken and by the majority of those whose Representatives form the Assembly.*

"*If the required number of ratifications shall not have been obtained within twenty-two months after the vote of the Assembly, the proposed amendment shall remain without effect.*

"*The Secretary-General shall inform the Members of the taking effect of an amendment.*

"*Any Member of the League which has not at that time ratified the amendment is free to notify the Secretary-General within a year of its refusal to accept it, but in that case it shall cease to be a Member of the League.*"

## ANNEX

### I. Original Members of the League of Nations, Signatories of the Treaty of Peace.

United States of America
Belgium
Bolivia
Brazil
British Empire
  Canada
  Australia
  South Africa
  New Zealand
  India
China
Cuba
Ecuador
France
Greece
Guatemala
Haiti
Hedjaz
Honduras
Italy
Japan
Liberia
Nicaragua
Panamá
Perú
Poland
Portugal
Rumania
Serb-Croat-Slovene State
Siam
Czecho-Slovakia
Uruguay

### States Invited to Accede to the Covenant.

Argentine Republic
Chile
Colombia
Denmark
Netherlands
Norway
Paraguay
Persia
Salvador
Spain
Sweden
Switzerland
Venezuela

### II. First Secretary-General of the League of Nations.

The Honorable Sir James Eric Drummond, K.C.M.G., C.B.

# APPENDIX II

## PROTOCOL FOR THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES

Adopted by the Assembly of the League of Nations and opened for signature at Geneva, October 2, 1924

Animated by the firm desire to insure the maintenance of general peace and the security of nations whose existenee, independence or territories may be threatened;

Recognizing the solidarity of the members of the international community;

Asserting that a war of aggression constitutes a violation of this solidarity and an international crime;

Desirous of facilitating the complete application of the system provided in the Covenant of the League of Nations for the pacific settlement of disputes between States and of insuring the repression of international crimes; and

For the purpose of realizing, as contemplated by Article 8 of the Covenant, the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations;

The Undersigned, duly authorized to that effect, agree as follows:

### Article 1

The signatory States undertake to make every effort in their power to secure the introduction into the Covenant of amendments on the lines of the provisions contained in the following articles.

They agree that, as between themselves, these provisions shall be binding as from the coming into force of the present Protocol and that, so far as they are concerned, the Assembly and the Council of the League of Nations shall thenceforth have power to exercise all the rights and perform all the duties conferred upon them by the Protocol.

### Article 2

The signatory States agree in no case to resort to war either with one another or against a State which, if the occasion arises, accepts all the obligations hereinafter set out, except in case of resistance to acts of aggression or when acting in agreement with the Council or the Assembly of the League of Nations in accordance with the provisions of the Covenant and of the present Protocol.

### Article 3

The signatory States undertake to recognize as compulsory, *ipso facto* and without special agreement, the jurisdiction of the Permanent Court of International Justice in the cases covered by paragraph 2 of Article 36 of the Statute of the Court,[1] but without prejudice to the right of any State, when acceding to the special protocol provided for in the said Article and opened for signature on December 16th, 1920, to make reservations compatible with the said clause.

Accession to this special protocol, opened for signature on December 16th, 1920, must be given within the month following the coming into force of the present Protocol.

States which accede to the present Protocol, after its coming into force, must carry out the above obligation within the month following their accession.

### Article 4

With a view to render more complete the provisions of paragraphs 4, 5, 6, and 7 of Article 15 of the Covenant,[2] the signatory States agree to comply with the following procedure:

1. If the dispute submitted to the Council is not settled by it as provided in paragraph 3 of the said Article 15, the Council shall endeavor to persuade the parties to submit the dispute to judicial settlement or arbitration.
2. (*a*) If the parties cannot agree to do so, there shall, at the request of at least one of the parties, be constituted a Committee of Arbitrators. The Committee shall so far as possible be constituted by agreement between the parties.

   (*b*) If within the period fixed by the Council the parties have failed to agree, in whole or in part, upon the number, the names and

[1]The paragraph reads as follows:

"The Members of the League of Nations and the States mentioned in the Annex to the Covenant may, either when signing or ratifying the protocol to which the present Statute is adjoined, or at a later moment, declare that they recognize as compulsory, *ipso facto* and without special agreement, in relation to any other Member or State accepting the same obligation, the jurisdiction of the Court in all or any of the classes of legal disputes concerning:

"(*a.*) The interpretation of a Treaty.

"(*b.*) Any question of International Law.

"(*c.*) The existence of any fact which, if established, would constitute a breach of an international obligation.

"(*d.*) The nature or extent of the reparation to be made for the breach of an international obligation."

[2]See text, p. 600.

the powers of the arbitrators and upon the procedure, the Council shall settle the points remaining in suspense. It shall with the utmost possible dispatch select in consultation with the parties the arbitrators and their President from among persons who by their nationality, their personal character and their experience, appear to it to furnish the highest guaranties of competence and impartiality.

(*c*) After the claims of the parties have been formulated, the Committee of Arbitrators, on the request of any party, shall through the medium of the Council request an advisory opinion upon any points of law in dispute from the Permanent Court of International Justice, which in such case shall meet with the utmost possible dispatch.

3. If none of the parties asks for arbitration, the Council shall again take the dispute under consideration. If the Council reaches a report which is unanimously agreed to by the members thereof other than the representatives of any of the parties to the dispute, the signatory States agree to comply with the recommendations therein.
4. If the Council fails to reach a report which is concurred in by all its members, other than the representatives of any of the parties to the dispute, it shall submit the dispute to arbitration. It shall itself determine the composition, the powers and the procedure of the Committee of Arbitrators and, in the choice of the arbitrators, shall bear in mind the guaranties of competence and impartiality referred to in paragraph 2 (*b*) above.
5. In no case may a solution, upon which there has already been a unanimous recommendation of the Council accepted by one of the parties concerned, be again called in question.
6. The signatory States undertake that they will carry out in full good faith any judicial sentence or arbitral award that may be rendered and that they will comply, as provided in paragraph 3 above, with the solutions recommended by the Council. In the event of a State failing to carry out the above undertakings, the Council shall exert all its influence to secure compliance therewith. If it fails therein, it shall propose what steps should be taken to give effect thereto, in accordance with the provision contained at the end of Article 13 of the Covenant. Should a State in disregard of the above undertakings resort to war, the sanctions provided for by Article 16 of the Covenant, interpreted in the manner indicated in the present Protocol, shall immediately become applicable to it.
7. The provisions of the present article do not apply to the settlement of disputes which arise as the result of measures of war taken by one or more signatory States in agreement with the Council or the Assembly.

### Article 5

The provisions of paragraph 8 of Article 15 of the Covenant[1] shall continue to apply in proceedings before the Council.

If in the course of an arbitration, such as is contemplated in Article 4 above, one of the parties claims that the dispute, or part thereof, arises out of a matter which by international law is solely within the domestic jurisdiction of that party, the arbitrators shall on this point take the advice of the Permanent Court of International Justice through the medium of the Council. The opinion of the Court shall be binding upon the arbitrators, who, if the opinion is affirmative, shall confine themselves to so declaring in their award.

If the question is held by the Court or by the Council to be a matter solely within the domestic jurisdiction of the State, this decision shall not prevent consideration of the situation by the Council or by the Assembly under Article 11 of the Covenant.[2]

### Article 6

If in accordance with paragraph 9 of Article 15 of the Covenant a dispute is referred to the Assembly, that body shall have for the settlement of the dispute all the powers conferred upon the Council as to endeavoring to reconcile the parties in the manner laid down in paragraphs 1, 2 and 3 of Article 15[3] of the Covenant and in paragraph 1 of Article 4 above.

Should the Assembly fail to achieve an amicable settlement:

If one of the parties asks for arbitration, the Council shall proceed to constitute the Committee of Arbitrators in the manner provided in subparagraphs (*a*), (*b*) and (*c*) of paragraph 2 of Article 4 above.

If no party asks for arbitration, the Assembly shall again take the dispute under consideration and shall have in this connection the same powers as the Council. Recommendations embodied in a report of the Assembly, provided that it secures the measure of support stipulated at the end of paragraph 10 of Article 15 of the Covenant,[4] shall have the same value and effect, as regards all matters dealt with in the present Protocol, as recommendations embodied in a report of the Council adopted as provided in paragraph 3 of Article 4 above.

If the necessary majority cannot be obtained, the dispute shall be submitted to arbitration and the Council shall determine the composition, the powers and the procedure of the Committee of Arbitrators as laid down in paragraph 4 of Article 4.

[1]See text, p. 600. [2]See text, p. 598. [3]See text, p. 600-601. [4]See text, p. 601.

### Article 7

In the event of a dispute arising between two or more signatory States, these States agree that they will not, either before the dispute is submitted to proceedings for pacific settlement or during such proceedings, make any increase of their armaments or effectives which might modify the position established by the Conference for the Reduction of Armaments provided for by Article 17 of the present Protocol, nor will they take any measure of military, naval, air, industrial or economic mobilization, nor, in general, any action of a nature likely to extend the dispute or render it more acute.

It shall be the duty of the Council, in accordance with the provisions of Article 11 of the Covenant, to take under consideration any complaint as to infraction of the above undertakings which is made to it by one or more of the States parties to the dispute. Should the Council be of opinion that the complaint requires investigation, it shall, if it deems it expedient, arrange for inquiries and investigations in one or more of the countries concerned. Such inquiries and investigations shall be carried out with the utmost possible dispatch and the signatory States undertake to afford every facility for carrying them out.

The sole object of measures taken by the Council, as above provided, is to facilitate the pacific settlement of disputes and they shall in no way prejudge the actual settlement.

If the result of such inquiries and investigations is to establish an infraction of the provisions of the first paragraph of the present Article, it shall be the duty of the Council to summon the State or States guilty of the infraction to put an end thereto. Should the State or States in question fail to comply with such summons, the Council shall declare them to be guilty of a violation of the Covenant or of the present Protocol, and shall decide upon the measures to be taken with a view to end as soon as possible a situation of a nature to threaten the peace of the world.

For the purposes of the present Article decisions of the Council may be taken by a two-thirds majority.

### Article 8

The signatory States undertake to abstain from any act which might constitute a threat of aggression against another State.

If one of the signatory States is of opinion that another State is making preparations for war, it shall have the right to bring the matter to the notice of the Council.

The Council, if it ascertains that the facts are as alleged, shall proceed as provided in paragraphs 2, 4, and 5 of Article 7.

### Article 9

The existence of demilitarized zones being calculated to prevent aggression and to facilitate a definite finding of the nature provided for in Article 10 below, the establishment of such zones between States mutually consenting thereto is recommended as a means of avoiding violations of the present Protocol.

The demilitarized zones already existing under the terms of certain treaties or conventions, or which may be established in future between States mutually consenting thereto, may at the request and at the expense of one or more of the conterminous States, be placed under a temporary or permanent system of supervision to be organized by the Council.

### Article 10

Every State which resorts to war in violation of the undertakings contained in the Covenant or in the present Protocol is an aggressor. Violation of the rules laid down for a demilitarized zone shall be held equivalent to resort to war.

In the event of hostilities having broken out, any State shall be presumed to be an aggressor, unless a decision of the Council, which must be taken unanimously, shall otherwise declare:

1. If it has refused to submit the dispute to the procedure of pacific settlement provided by Articles 13 and 15 of the Covenant[1] as amplified by the present Protocol, or to comply with a judicial sentence or arbitral award or with a unanimous recommendation of the Council, or has disregarded a unanimous report of the Council, a judicial sentence or an arbitral award recognizing that the dispute between it and the other belligerent State arises out of a matter which by international law is solely within the domestic jurisdiction of the latter State; nevertheless, in the last case the State shall only be presumed to be an aggressor if it has not previously submitted the question to the Council or the Assembly, in accordance with Article 11 of the Covenant.[2]
2. If it has violated provisional measures enjoined by the Council for the period while the proceedings are in progress as contemplated by Article 7 of the present Protocol.

Apart from the cases dealt with in paragraphs 1 and 2 of the present Article, if the Council does not at once succeed in determining the aggressor, it shall be bound to enjoin upon the belligerents an armistice, and shall fix the terms, acting, if need be, by a two-thirds majority and shall supervise its execution.

[1]For texts, see p. 599, 600. [2]For text, see p. 598.

Any belligerent which has refused to accept the armistice or has violated its terms shall be deemed an aggressor.

The Council shall call upon the signatory States to apply forthwith against the aggressor the sanctions provided by Article 11 of the present Protocol, and any signatory State thus called upon shall thereupon be entitled to exercise the rights of a belligerent.

### Article 11

As soon as the Council has called upon the signatory States to apply sanctions, as provided in the last paragraph of Article 10 of the present Protocol, the obligations of the said States, in regard to the sanctions of all kinds mentioned in paragraphs 1 and 2 of Article 16 of the Covenant,[1] will immediately become operative in order that such sanctions may forthwith be employed against the aggressor.

Those obligations shall be interpreted as obliging each of the signatory States to cooperate loyally and effectively in support of the Covenant of the League of Nations, and in resistance to any act of aggression, in the degree which its geographical position and its particular situation as regards armaments allow.

In accordance with paragraph 3 of Article 16 of the Covenant the signatory States give a joint and several undertaking to come to the assistance of the State attacked or threatened, and to give each other mutual support by means of facilities and reciprocal exchanges as regards the provision of raw materials and supplies of every kind, openings of credits, transport and transit, and for this purpose to take all measures in their power to preserve the safety of communications by land and by sea of the attacked or threatened State.

If both parties to the dispute are aggressors within the meaning of Article 10, the economic and financial sanctions shall be applied to both of them.

### Article 12

In view of the complexity of the conditions in which the Council may be called upon to exercise the functions mentioned in Article 11 of the present Protocol concerning economic and financial sanctions, and in order to determine more exactly the guarantees afforded by the present Protocol to the signatory States, the Council shall forthwith invite the economic and financial organizations of the League of Nations to consider and report as to the nature of the steps to be taken to give effect to the financial and economic sanctions and measures of co-operation contemplated in Article 16 of the Covenant and in Article 11 of this Protocol.

[1]For text, see p. 602.

When in possession of this information, the Council shall draw up through its competent organs:

1. Plans of action for the application of the economic and financial sanctions against an aggressor State;
2. Plans of economic and financial cooperation between a State attacked and the different States assisting it;

and shall communicate these plans to the Members of the League and to the other signatory States.

### Article 13

In view of the contingent military, naval and air sanctions provided for by Article 16 of the Covenant and by Article 11 of the present Protocol, the Council shall be entitled to receive undertakings from States determining in advance the military, naval and air forces which they would be able to bring into action immediately to insure the fulfilment of the obligations in regard to sanctions which result from the Covenant and the present Protocol.

Furthermore, as soon as the Council has called upon the signatory States to apply sanctions, as provided in the last paragraph of Article 10 above, the said States may, in accordance with any agreements which they may previously have concluded, bring to the assistance of a particular State, which is the victim of aggression, their military, naval and air forces.

The agreements mentioned in the preceding paragraph shall be registered and published by the Secretariat of the League of Nations. They shall remain open to all States Members of the League which may desire to accede thereto.

### Article 14

The Council shall alone be competent to declare that the application of sanctions shall cease and normal conditions be re-established.

### Article 15

In conformity with the spirit of the present Protocol, the signatory States agree that the whole cost of any military, naval or air operations undertaken for the repression of an aggression under the terms of the Protocol, and reparation for all losses suffered by individuals, whether civilians or combatants, and for all material damage caused by the operations of both sides, shall be borne by the aggressor State up to the extreme limit of its capacity.

Nevertheless, in view of Article 10 of the Covenant,[1] neither the terri-

[1]For text, see p. 598.

torial integrity nor the political independence of the aggressor State shall in any case be affected as the result of the application of the sanctions mentioned in the present Protocol.

### Article 16

The signatory States agree that in the event of a dispute between one or more of them and one or more States which have not signed the present Protocol and are not Members of the League of Nations, such non-Member States shall be invited, on the conditions contemplated in Article 17 of the Covenant, to submit, for the purpose of a specific settlement, to the obligations accepted by the States signatories of the present Protocol.

If the State so invited, having refused to accept the said conditions and obligations, resorts to war against a signatory State, the provisions of Article 16 of the Covenant, as defined by the present Protocol, shall be applicable against it.

### Article 17

The signatory States undertake to participate in an International Conference for the Reduction of Armaments which shall be convened by the Council and shall meet at Geneva on Monday, June 15, 1925. All other States, whether Members of the League or not, shall be invited to this Conference.

In preparation for the convening of the Conference, the Council shall draw up with due regard to the undertakings contained in Articles 11 and 13 of the present Protocol a general program for the reduction and limitation of armaments, which shall be laid before the Conference and which shall be communicated to the Governments at the earliest possible date, and at the latest three months before the Conference meets.

If by May 1, 1925, ratifications have not been deposited by at least a majority of the permanent Members of the Council and ten other Members of the League, the Secretary-General of the League shall immediately consult the Council as to whether he shall cancel the invitations or merely adjourn the Conference to a subsequent date to be fixed by the Council so as to permit the necessary number of ratifications to be obtained.

### Article 18

Wherever mention is made in Article 10, or in any other provision of the present Protocol, of a decision of the Council, this shall be understood in the sense of Article 15 of the Covenant, namely that the votes of the representatives of the parties to the dispute shall not be counted when reckoning unanimity or the necessary majority.

### Article 19

Except as expressly provided by its terms, the present Protocol shall not affect in any way the rights and obligations of Members of the League as determined by the Covenant.

### Article 20

Any dispute as to the interpretation of the present Protocol shall be submitted to the Permanent Court of International Justice.

### Article 21

The present Protocol, of which the French and English texts are both authentic, shall be ratified.

The deposit of ratifications shall be made at the Secretariat of the League of Nations as soon as possible.

States of which the seat of government is outside Europe will be entitled merely to inform the Secretariat of the League of Nations that their ratification has been given; in that case, they must transmit the instrument of ratification as soon as possible.

So soon as the majority of the permanent Members of the Council and ten other Members of the League have deposited or have effected their ratifications, a *procès-verbal* to that effect shall be drawn up by the Secretariat.

After the said *procès-verbal* has been drawn up, the Protocol shall come into force as soon as the plan for the reduction of armaments has been adopted by the Conference provided for in Article 17.

If within such period after the adoption of the plan for the reduction of armaments as shall be fixed by the said Conference, the plan has not been carried out, the Council shall make a declaration to that effect; this declaration shall render the present Protocol null and void.

The grounds on which the Council may declare that the plan drawn up by the International Conference for the Reduction of Armaments has not been carried out, and that in consequence the present Protocol has been rendered null and void, shall be laid down by the Conference itself.

A signatory State which, after the expiration of the period fixed by the Conference, fails to comply with the plan adopted by the Conference, shall not be admitted to benefit by the provisions of the present Protocol.

In faith whereof the Undersigned, duly authorized for this purpose, have signed the present Protocol.

Done at Geneva, on the second day of October, nineteen hundred and twenty-four, in a single copy, which will be kept in the archives of the

Secretariat of the League and registered by it on the date of its coming into force.

F. S. Noli (*Albania*)
Pottzer (*Belgium*)
Afranio de Mello-Franco (*Brazil*)
Ch. Kalfoff (*Bulgaria*)
E. Villegas (*Chile*)
Général F. Laidoner (*Esthonia*)
Carl Enckell (*Finland*)
Ari. Briand (*France*)
Politis (*Greece*)
S. Seja (*Latvia*)
———— (*Paraguay*)
Al. Skrzyński (*Poland*)
João Chagas (*Portugal*)
Dr. Kosta Koumanoudi (*Kingdom of the Serbs, Croats and Slovenes*)
Dr. Edvard Béneš (*Czechoslovakia*)
J. Quiñones de Léon (*Spain*)
Alberto Guani (*Uruguay*)

Certified true copy:
For the Secretary General.

J. Van Hamel,
*Director of the Legal Section.*

# APPENDIX III

## DELEGATES TO THE LEAGUE OF NATIONS

The existence of the League of Nations results in an almost continuous series of conferences and committee meetings at which Member and even non-Member states find it advantageous to have representatives. As a consequence, many states, especially those geographically distant from Geneva, have found it beneficial for the conduct of their international relations to make regular provision for representation at Geneva. On July 31, 1925, the following states were so represented:

Albania—Benoît Blinishti, director of the Permanent Secretariat;
Argentine Republic—Julian Enciso, first secretary of embassy;
Austria—Emeric von Pflügl, envoy extraordinary and minister plenipotentiary;
Brazil—Afranio de Mello-Franco, ambassador on special mission, representative on the Council of the League;
Bulgaria—Dimitri Mikoff, chargé d'affaires in Switzerland;
Canada—W. A. Riddell, Dominion of Canada advisory officer for League of Nations purposes;
Czechoslovakia—Ferdinand Veverka, envoy extraordinary and minister plenipotentiary at Bern;
Finland—Hugo Valvanne, director of the Finnish Secretariat attached to the League of Nations;
Greece—Vassili Dendramis, chargé d'affaires at Bern, director, Permanent Greek Secretariat attached to the League of Nations;
Hungary—Alex Nagy de Versegh, resident minister, head of delegation to the League of Nations;
Irish Free State—Michael MacWhite, representative of the Irish Free State to the League of Nations and International Labor Office;
Japan—M. Matsuda, envoy extraordinary and minister plenipotentiary, director of the Imperial Japanese League of Nations Service;
Latvia—Dr. Michel Walters, envoy extraordinary and minister plenipotentiary;
Lithuania—Dr. Dovas Zaunius, minister plenipotentiary in Switzerland, permanent delegate to the League of Nations;
Poland—Gaëtan D. Morawski, resident minister of Poland accredited to the League of Nations;
Rumania—Nicolas Petresco Comnène, envoy extraordinary and minister plenipotentiary in Switzerland, permanent delegate to the League of Nations;
Siam—His Highness Prince Charoon, minister at Paris, accredited to the Secretariat of the League of Nations;

Denmark—Andreas d'Oldenburg, envoy extraordinary and minister plenipotentiary at Bern, representative of the Royal Government accredited to the League of Nations;

China—Dr. S. Tcheou Wei, general secretary of the Chinese Delegation accredited to the League of Nations, first secretary of legation, director of the Permanent Office at Geneva of the Chinese League of Nations Service;

Chile—Emilo Bello Codesido, ambassador, president of the Permanent Delegation; chief, G. Valdès Mendeville;

Nicaragua—Antoine Sottile, permanent delegate to the League of Nations;

Persia—Abur Hassan Hekime, head of delegation to the League of Nations;

Venezuela—Mr. Dagnino, consul at Geneva, intrusted with maintenance of relations.

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